

February 3, 2010

Judge Joel M. Pressman
Supervising Judge Dept 21
325 S. Melrose
Vista, CA 92084

**EVIDENCE TAMPERING, OBSTRUCTION OF JUSTICE, AND CRIMINAL COVER UP
BY THE OCEANSIDE POLICE DEPT. & THE SAN DIEGO DISTRICT ATTORNEY**

This information is part of the documentation on an 18 month investigation of public corruption, criminal misconduct, and obstruction of justice.

The San Diego District Attorney's Office and the Oceanside Police Department actively protected Officer Damon Smith from criminal investigation, arrest and prosecution, and covered up hard evidence of the involvement of other police officer:

1. To keep Officer Smith's mouth shut about the identity of other police officers involved in the 8 years of evidence tampering.
2. To minimize the number of corrupted criminal prosecutions and the number of notifications to defense attorneys.
3. To minimize and mitigate civil liability exposure of the DA's office, and the Oceanside Police Department.
4. To protect the Oceanside Police and Fire Departments covert conspiracy to manipulate a city recall election and the city council make up before a 2010 vote on new union contracts.
5. To protect 10's of million dollars in assets of the Police and Fire department unions, and the positions of pro union Oceanside City Council Members, Mayor Jim Wood (retired OPD) and Councilmember Ester Sanchez (former Public Defender), Etc.

April 2009

North County Times Reporter Terri Figueroa files initial report of eight (8) year history of evidence tampering by Officer Damon Smith of the Oceanside Police Department (copy attached). Officer Smith admits in court, under oath, that he has been secretly making audio tape recording of criminal investigations and hiding the tapes throughout his 8 year career as a police officer.

District Attorney's office confiscates an unknown number of audio tapes, and all attempts to obtain information are blocked with a no comment. The investigation has been pulled into the Special Operations Division of the DA's office.

Public Defender Steven Carroll vows full investigation by PD's office. Shortly thereafter Carroll retires, and there is no evidence that an investigation was ever initiated in the PD's office.

June – August 2009

No evidence of any investigation of Officer Smith by the Oceanside Police Department or the DA's office. Numerous requests for information on investigation are ignored and blocked with OPD and DA statements that there was no criminal conduct by Smith, and the issue is strictly a personnel matter, even though the DA's office has a very secret investigation underway. All attempts to discuss the involvement of other officers are ignored.

Multiple public complaints to Oceanside City Council about criminal cover up in OPD are ignored. Mayor Wood is retired OPD officer. Council Member Sanchez was a Public Defender in the North County Office for seven out of the eight years that Damon Smith was tampering with evidence in Public Defender cases. Wood and Sanchez are by far the largest recipients of campaign finance contributions from the Oceanside Police Department. Sessions are videotaped by KOCE 10 PBS and available on request.

District Attorney's office is also issuing statements about the total innocence of Officer Damon Smith, even though DA staff is still saying "No Comment" due to ongoing investigation. No evidence of any investigation of Damon Smith, only the recovered audio tapes. All available evidence indicates the entire DA investigation is geared to minimize the number of affected cases and the associated notifications to defense attorneys.

September & October 2009

Multiple contacts with the Public Defender's Office (Bill Trainer & Henry Coker) disclose no knowledge of Damon Smith evidence tampering, and no knowledge of any internal investigation of any type.

Officer Smith is still working on the streets as an Oceanside Police Officer. Investigation discloses that Smith was fired from OPD in 2001, while still in the academy, for substandard performance. Smith filed a financial damages claim against the City of Oceanside and the OPD with allegations of racial and sexual discrimination. Shortly thereafter Smith was rehired and put on the streets where he started recording investigations and hiding the tapes.

All efforts to get a criminal investigation of Officer Damon Smith, and to determine the identity of any other OPD Officers that knew about the 8 year evidence tampering

spree, are ignored and rejected by the DA or the OPD. Misconduct complaints are buried by OPD and the DA's office. Public Records request are obstructed.

October 6, 2009

I contacted and interviewed Attorney Andrew Limberg. Mr. Limberg is the Criminal Defense attorney that discovered the Officer Smith evidence tampering during a cross-examination back in April 2009. Mr. Limberg stated that Officer Smith approached him, after leaving the witness stand, and expressed his concerns about how much trouble he might be in over the secret audio tapes. Officer Smith also told Mr. Limberg that he did not understand what the problem was, as his practice of recording criminal investigations and hiding the tapes was, "common knowledge among the officers he worked with".

Mr. Limberg could not remember if the DA assigned to that case was close enough to overhear the conversation.

Mr. Limberg also stated that no one from the District Attorney's Office or the Oceanside Police Department has ever contacted him, at any time, regarding Officer Damon Smith or the evidence tampering investigation.

October 9, 2009

I contacted ADA Laura Gunn, the head of the Officer Damon Smith investigation in the DA's office. ADA Gunn was advised that I could not find any evidence of any criminal investigation of Officer Smith, or any other Oceanside police officer. ADA Gunn refused to comment on whether or not her investigation involved identifying other Oceanside police officers that knew about or were involved in the secret taping of criminal investigations.

I then advised ADA Gunn of my interview with Attorney Andrew Limberg, and Officer Smith's statements about the knowledge and involvement of other Oceanside Police officers in the 8 years of evidence tampering tapes. ADA Gunn was surprised that Officer Smith had made such statements in the presence of Attorney Limberg. I provided ADA Gunn with full contact info, including a phone number for Mr. Andrew Limberg. This information was also later provided to the Oceanside Police Department.

October 22, 2009

Paul Levikow of the District Attorney's office announces that dozens of audio tape are being handed over to defense attorneys. Levikow also states that Officer Smith did not commit a crime, and he will not face charges.

I contacted Attorney Andrew Limberg. Limberg stated he had not been contacted by ADA Gunn or anyone else from the DA's office or the Oceanside PD regarding the Damon Smith statements or the evidence tampering investigation.

November 4, 2009

0900 hrs – Meeting scheduled with DDA Mosler to file criminal complaints. I again contacted Attorney Andrew Limberg and was again advised that he had not received any contacts from anyone regarding the Damon Smith statement, about the involvement of other Oceanside Police Officers, or the Evidence Tampering Investigation.

0902 hrs – I sat down with DDA Mosler and Investigator Snyder and filed formal complaints of criminal misconduct against ADA Laura Gunn for obstructing the criminal investigation, and hiding evidence of the involvement of other Oceanside police officers in the long term evidence tampering. The complaint process was tape recorded and a copy of the audio recording is provided on the attached DVD with this document.

ADA Laura Gunn, the Oceanside Police Department, and the Oceanside City Council, suppressed evidence and obstructed the criminal investigation of Officer Damon Smith, and other police officers involved in the 8 years of evidence tampering.

Copies the complaint audio recording to the DA's office, some of the e-mails follow ups, and media reports are also provided as attachments to this complaint for your review.

I have tried to keep this documents submittal relative to the Damon Smith evidence tampering, even though the audio recording covers other issues of criminal corruption in the DA's office, and the Oceanside Police Department. All of my contact and interview notes are dated. Copies of everything has been deposited with my attorney, as I have received threats in the past.

If I can provide any additional information, please contact me.

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