

THE PROSECUTOR'S PERSPECTIVE

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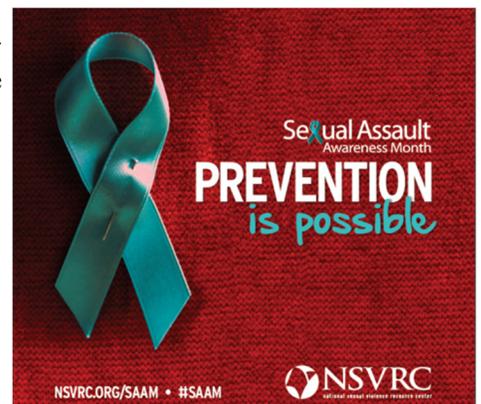
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Sexual Assault Awareness Month

April is Sexual Assault Awareness month in the United States. The District Attorney's office is launching a new campaign for sexual assault awareness month this year: "Start by Believing." The idea behind this campaign is the first response survivors receive when they disclose their story may very well dictate what a victim does next. If a victim receives a compassionate response initially they are more likely to seek services, whether those services are medical or psychological or in the form of reporting to law enforcement. This message is intended as an awareness campaign for the community as a whole because unfortunately many victims do not receive the response they should when they first disclose. These victims are met with shock, with disbelief, with distrust, with blame that they brought this on themselves, with fear, with a reminder that these aren't things we talk about, with shame rather than compassion, respect and empathy.

The "Start by Believing" campaign is not just for the public but also provides an excellent reminder for all of us that work in law enforcement. Let's face it, the longer we do our jobs the more jaded we become. Sometimes being jaded means we don't always act with the compassion, respect and empathy required for a particular situation. For a successful investigation, no matter where that investigation leads, officers must start by believing because believing in a victim allows an officer to develop the rapport which is necessary to gather crucial information for an investigation. Although it is likely a police officer is not the first person a victim discloses to, how a police officer responds to a victim is critical. The police officer's reaction to a victim will shape how the victim perceives law enforcement, will shape the victim's attitude moving forward with the investigation and will shape the officer's investigation.

Sexual violence is real and it occurs in our community every day. Those people who live amongst us and commit sexual assaults should face consequences for their actions. But the only way sexual assault predators will receive consequences for their actions is if victims are willing to disclose and participate in investigations and prosecution. When we "Start by Believing" we are one step closer to holding sexual assault predators accountable.



Denim Day



Take Back the Night at Shasta College

April 27, 2016

Denim Day - 10:00am-1:00pm

Take Back the Night - 7:00-9:00pm

All events will take place in the Shasta College Quad Area outside the Student Center and are FREE to students, staff, and the public!



"INVESTIGATING AND PROSECUTING PIMPIN' AIN'T EASY"**THE PEOPLE V. MELVIN BALDWIN-GREEN AND TANISHIA WILLIAMS**

By Deputy District Attorney: Sarah Murphy

Slavery occurs in Shasta County. Modern day slavery also known as Human Trafficking occurs in Shasta County. Baldwin-Green and Williams were modern day slave owners operating in Shasta County by selling victims to johns or tricks to perform sexual acts in exchange for money.

This case went to trial this past winter and it presented challenges as unique as each of the seven victims. To make matters more complicated this case was the first of its kind to be investigated or tried in Shasta County. So, a little background might be helpful.

In April of 2014, a 16 year old girl came running out of a house in the Hartnell Avenue area asking for help because she was brought to Redding against her will. RPD officers responded, spoke with the girl and were able to take an initial statement before allowing her to go back to the Sacramento area with her family. The initial police report landed on the desk of two night squad investigators because of potential gang connections. The gang connections never materialized but seven victims later, we found ourselves at trial.

Victim #1 told investigators that she was forced to work as a prostitute for Melvin Baldwin-Green and Tanishia Williams. She described being pimped by the defendants in the Redding area. Victim #1 described being held in the house because the door knobs would be flipped around so that the locking mechanism was on the outside of the house. This particular method of keeping control over the victims was also described by Victim #5.

RPD Investigator's Solada and Smetak began to review backpage.com advertisements in early May of 2014 and discovered an advertisement with Baldwin-Green's phone number advertising the services of Victim #2. Investigators set up a sting operation to locate Victim #2. During the sting operation the phone number was called and a person answered the phone, the person had a voice that sounded like a guy pretending to be a girl. This single fact became far more significant than anyone realized in the beginning. By the end of the investigation, all seven victims described Baldwin-Green pretending to be a girl when he was setting up dates for them. As a result of the sting, Victim #2 met an RPD investigator at the door of a local motel room, rather than a john. Victim #2 described to the officer that she was working as a prostitute for Baldwin-Green after she was recruited to come work in the Redding area for Baldwin-Green because there was a lot of money to be made.

Victim #3 was identified when Tehama County contacted me and said we had a kidnapping in our county that involved Baldwin-Green and Williams. The kidnapping of Victim #3 took place in February of 2013. Prior to the kidnapping, Victim #3 had worked for the defendants as a prostitute; however, Victim #3 stopped working for the defendants after Baldwin-Green got into a shooting with a friend of Victim #3's. The defendants kidnapped Victim #3 brought her to Tehama County where Baldwin-Green ultimately cut off victim #3's hair, forced her to strip naked and left her in the middle of rural Tehama County.

As the investigation continued four additional victims were identified. Four of the seven victims were 16 year old girls.

(Williams' role in this criminal enterprise was the bottom girl or bottom bitch.) The bottom's role is best defined as middle management if a pimp was operating a legitimate business. Williams made the victims feel comfortable, did their hair and makeup for dates, made sure all of the money earned by a victim went to Baldwin-green, drove the victims to outcalls, set up dates and participated in recruiting of numerous victims.



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PROPER IDENTIFICATION IS VITAL TO FILE YOUR CASE

By Deputy District Attorney: Rachel Donahou

Do you often receive further investigation requests asking you to show a witness a picture of the suspect for a 115 ID? Does it drive you crazy to have to track down witnesses again when you already included all of the suspect's information in your report? I promise we don't do this to bother you or create more work. We do it because we often cannot file the case without it.

You're in the field. Your suspect has fled the scene so you are unable to arrest him or her. You take statements from a witness who gives you the name and date of birth or some other identifying information for the suspect. You look the suspect up and get the rest of the identifying information to list on the face sheet of the report and run a CLETS to attach to your report. Do you *really* know that you have the right person?

Think of it from the perspective of the person reviewing the case. We have the name in the body of the report, identifying information on the face sheet, and a CLETS that you attached. But we have no idea what information you obtained from the witness that led you to the conclusion that the person you are submitting a case against is the same person identified by the witness. As an attorney reviewing the case, I am not certain that you will be able to identify the defendant at a 115 preliminary hearing. Also, consider the judge reviewing the case for a warrant. Judges will not issue warrants if they are unsure that we are requesting a warrant for the right person. Although rare, it is possible to have two people with the same name or even the same date of birth.

The easiest way to fix this problem is to have the witness show you a picture that you can then compare to a DMV or booking photo. Often times witnesses can point to a picture displayed in their home, show you a picture on their phone, or even go to a social media website and show you the suspect's profile picture. If the witness does not have a picture of the suspect available, get one and have the witness confirm that you are talking about the same person. If the suspect is someone already known to your witness, there is no need to do a photo lineup.

If you are already familiar with the suspect from previous interactions, say so and explain. For example, if you are familiar with a couple from previous domestic violence incidents and you have arrested the suspect at the same house before, say so. You do not need to show the victim a picture because you know from previous experience who your suspect is. Please include how you are familiar with the suspect in your report so that we have enough for a warrant and the attorney reviewing the case is comfortable that you can properly identify the defendant at preliminary hearing.

It may take an extra step or an extra paragraph in your report, but getting the correct information the first time around will save time in the long run. Please consider taking the extra time to make sure that we can file the case and get a warrant when your case is initially submitted.



“INVESTIGATING AND PROSECUTING PIMPIN’ AIN’T EASY”

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The learning curve for me and the investigators who worked the case was incredibly steep but even steeper for the Judge and jurors who ultimately decided the case. When I say learning curve, I am referring to the law, the jury instructions, defining terms like liberty, learning to work with victims who don't recognize themselves as victims, learning to work with victims who have an absolute complete distrust for law enforcement. As one investigator said, “investigating pimpin ain't easy and prosecuting pimpin ain't easy.” The Judge and jurors learned about “the game”, johns, tricks, dates, out calls, in calls, romeo pimps, gorilla pimps, the blade, the track, going rogue, in pocket, “out of pocket”, and countless more terms they never wanted defined! They learned that crimes this heinous do occur in our community. The jurors watched the pain, trauma, fear and anger suffered as each one of the victim's testified, reliving some of the worst times in their lives. The jury believed the victims whose testimony were supported by mountains of evidence and returned verdicts of guilty on kidnapping, human trafficking, rape, pimping, pandering, false imprisonment and child abuse just to name a few charges. The defendants were sentenced to serve life sentences.

In this case the victims are young woman. Many in society would view them as throw away girls. They are victims who are actively committing crimes every time they commit a sexual act for money to pay their pimp. However, these young girls are anything but throwaway girls, they are victims. Each one of these girls is unique, they are human beings who deserve to be treated as humans, not as numbers in the system or pieces of property to be sold.

These victims end up working for pimps because they have suffered physical and/or sexual abuse in the past, lack family support, have been in and out of the system, or are just troubled in some way. These girls belong to families of all socio-economic levels. One of the victims in this case has a police officer for a father and she came from a “good” home. These girls fall into this lifestyle because it fulfills some need. The need fulfilled by the pimp may be very basic: food, shelter, clothing or more complex: a relationship perceived as one involving love and affection.

With all that said this was one of the most rewarding and complex cases I have ever had the opportunity to prosecute. I met young women I would have never had the chance to meet before. Young women who survived life experiences which are almost unbelievable. Young women who know what it is like to have their liberty, their basic freedoms, violated in the most heinous of ways yet continue to survive. Young women who remind us why we do this job.



The Shasta DA is now on Facebook, please visit and “Like” our page.

<https://www.facebook.com/ShastaDA>

****Press Releases *Events *Information about Public *Safety issues
*Educational Material about Crimes *Case Updates***

THE CONTINUED CONFUSION OF HEALTH & SAFETY CODE 11364 – WHY ARE CASES BEING DECLINED?

By Deputy District Attorney: Margarita Velikanov



During the past few months, two articles were released in the Prosecutor's Perspective acknowledging the new changes of HS 11364 and what questions to ask the Defendant when observing any form of needle or syringe on him/her.

Even after these articles, the misdemeanor filing team at the DA's Office is continuously faced with having to decline cases for insufficient evidence. Why you may ask? Well here it is.

In order to prove the Defendant guilty of 11364, the following must be proven:

1. The defendant [unlawfully] possessed an object used for unlawfully injecting or smoking a controlled substance;
2. The defendant knew of the object's presence; AND
3. The defendant knew it to be an object used for unlawfully injecting or smoking a controlled substance.

There is, however, an important caveat which states that an individual is in legally authorized possession of a needle/syringe IF:

1. (He/She) possessed the (needle[s]/ [or] syringe[s]) for personal use; [AND]
2. (He/She) obtained (it/them) from an authorized source (;/.) [AND]
3. (He/She) possessed no more than 10 (needles/ [or] syringes).]

The People have the burden of proving beyond a reasonable doubt that the defendant was not legally authorized to possess the hypodermic (needle[s]/ [or] syringe[s]). If the People have not met this burden, you must find the defendant not guilty of this crime.]

An authorized source, as defined by the Health and Safety Code, is *a physician, pharmacist, hypodermic needle and syringe exchange program, or any other source that is authorized by law to provide sterile syringes or hypodermic needles without a prescription. (HS 11364).*

This is why, despite your efforts, cases are being declined. HS 11364 forces you to ask the question of **where did you get the needle/where did that syringe come from.** So for example:

- “Oh I got it from my friend, Susie.” – FILED.
- “Oh I found it behind that bush.” – FILED.
- “Oh I got it from the needle exchange.” – DECLINED.
- “Oh I got it from my 215 doctor.” - DECLINED.

It is a question which takes a few seconds, but the answer makes a world of difference.

Additionally, some of you have been inquiring as to whether other forms of drug paraphernalia are considered adequate under HS 11364, despite the problems of the new legislation. And fortunately, YES they are. Specifically, pipes, spoons with residue, tooters (typically burnt straws or pens), foil with residue, even used cotton balls are all still legitimate grounds to charging an individual with HS 11364, as long as you can articulate what about that item is indicative of drug use. We have seen no problems with those items and you all have been doing a fine job in explaining that particular item's association to the Defendant's drug use.

What if there are both you may ask? For example, Defendant A is driving a vehicle and his registration is expired. He is pulled over and lo and behold he has a syringe in between his legs, along with a meth pipe. He tells you he is a heroin and a meth addict and is trying to get help and asks for mercy. You ask where he obtained the syringe and he said from the needle exchange. You cite him, and submit it to the DA's office.



THE CONTINUED CONFUSION OF HEALTH & SAFETY CODE 11364

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With these facts, we would FILE this case. Why? Because the meth pipe is still a legitimate Possession of Drug Paraphernalia charge. Let's say instead of the pipe, there was foil with evidence of him 'chasing the dragon,' that too would be filed. *BUT* if the only thing he had was that syringe and it came from the needle exchange, it would be declined.

Now, you may wonder why we don't just file the cases anyway and take them to trial. Well the problem is that it takes very little for the Defense to meet that burden of authorized use.

People v. Mower (2002) 28 Cal. 4th. 57 and *People v. Fuentes (1990) 224 Cal. App.3d 1041* are the only two cases which mention defenses to Health and Safety Code 11364, and even they are outdated considering that the new legislation was put into effect in January of 2015. In both; however, the Court stated that the Defendant merely had to raise a reasonable doubt as to his/her possession of the hypodermic needle. This could be done by someone testifying (the Defendant, a family member, a witness, etc.) as to where the needle came from, and if it was obtained through a pharmacist, a needle exchange, or another authorized source. Because of that, the problem then becomes – where did the Defendant get it. Stemming back to the very question you must ask. The question which will help us prosecute these cases. The question which will help obtain convictions. And the question which will prevent cases from being declined, despite the Defendant's actual possession.

So with that, stay safe, ask the right questions, and help us help you.

START BY BELIEVING WITH THE SHASTA COUNTY DISTRICT ATTORNEY'S OFFICE

On April 5th, 2016, the Shasta County Board of Supervisors proclaimed April 2016 as Sexual Assault Awareness Month and April 10-16, 2016, as Crime Victims' Rights Week in Shasta County. To honor victims this month, our office is launching a social media campaign called **Start By Believing**.

Start By Believing is designed to encourage a compassionate response when a victim discloses their victimization. Victims of rape and sexual assault often tell a friend or family member before they tell law enforcement. The response received determines the next step a victim takes in seeking supportive services or reporting to law enforcement. This month, we are inviting our community to join us in taking the pledge to **Start By Believing!**

Our kickoff event will be April 19, 2016, at the Kuebler's Furniture Parking Lot, 1894 Churn Creek Rd. We will also be at Shasta College on April 21 for a public education event and on April 27 for Take Back the Night.

This social media campaign will spark awareness and encourage our community to come together to help victims of rape and sexual assault. When someone says, "I've been raped" what will your reaction be? For more information about our events or to get involved call our office at 530-225-5220.





Shasta County
District Attorney's Office



Invites you to...



Will YOU take the Pledge?

When someone tells you they were sexually assaulted,
what will you say?

Take the pledge to **START BY BELIEVING** and offer your support!

Tuesday, April 19, 2016 11:00 am - 4:00 pm

Shasta Center Show and Shine

Meet us on April 19 in the Kuebler's parking lot at 1894 Churn Creek Dr. between 11:00 am and 4:00 pm and take the Pledge to respond with kindness and support when someone discloses they were a victim of sexual assault.

This social media style campaign provides an opportunity to change the way we respond to rape, sexual assault and crime victims in our community.

"I've been raped"

What will your reaction be?



For more information call 530-225-5220



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A NOTE FROM THE EDITOR

In this addition a lot of attention was given to victims of sexual assault in our community. In most circumstances Law Enforcement is the voice for those individuals. It is important for all of us to remember this and to realize that the victim's first impression of their initial responder matters for not only a successful prosecution of the criminal case but also to the long term healing of that victim.

And once again, Thank You for all your hard work and stay safe!

Curtis Woods
Senior Deputy District Attorney
Shasta County

