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June 30, 2004

The Honorable Judge Frederick P. Horn
Presiding Judge
Orange County Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

RE: Orange County Grand Jury Report of June 25, 2004
"A Tempest in a Teapot or a Violation of Public Trust"

Dear Judge Horn:

Our office is in receipt of the above referenced Grand Jury Report. Please find attached the Orange County District Attorney's Office response to the specific Grand Jury Report.

Sincerely,

Tony Rackauckas
Orange County District Attorney

CJM/TR:vlb
Attachment

REPLY TO: ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

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RE: Orange County Grand Jury Report of June 25, 2004

“A Tempest in a Teapot or a Violation of Public Trust”

RESPONSE TO FINDINGS OF GRAND JURY ~ VIOLATION OF PUBLIC TRUST

Finding #1. The District Attorney concluded that, as to the crime of filing a false police report [*Penal Code* §118.1], there was no violation of the law, since a prosecution under that statute requires proof of a false statement and not simply an omission on the part of the peace officer.

Agrees to Finding # 1.

Finding #2. As to the crime of conspiracy to obstruct justice [*Penal Code* §182(5)], the District Attorney concluded that there was insufficient evidence to prove a violation of the statute beyond a reasonable doubt.

Agrees to Finding # 2.