JAN DAVID KAROWSKY
Attorney at Law
A Professional Corporation
California State Bar Number 53854
716 19th Street, Suite 100
Sacramento, CA 95811-1767
Telephone: (916) 447-1134
Facsimile: (916) 448-0265
Email: KarowskyLaw@sbcglobal.net

Attorney for Defendant
Richard Mendoza

UNITED STATES DISTRICT COURT

IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA

United States of America, Plaintiff, vs. Richard Mendoza Defendant	Case No.: Cr.S-07-248-WBS **STIPULATION AND PROPOSED ORDER FOR U.S. PRE-TRIAL SERVICES OFFICER TO RELEASE POLICE REPORT TO AUSA AND DEFENSE ATTORNEY**

On June 10, 2009, Defendant, Richard Mendoza, was arrested by the Monterey County Sheriff's Department. Mr. Mendoza had been on pre-trial release in the above-captioned action since approximately July 13, 2007 and, until this arrest, was doing extremely well.

On June 12, 2009, counsel for Richard Mendoza received a telephone call from U.S. Pre-trial services officer Taifa Gaskins, indicating she had a copy of the relevant police report and was placing Mr. Mendoza's case on the Magistrate-Judge's calendar for June 22, 2009 regarding a potential violation and revocation of his pre-trial release.

During the telephone conversation, counsel for the defendant asked Ms. Gaskins for a copy of the police report which will be used to form the only basis for the violation of Mr. Mendoza's pre-trial release. She indicated she could not release it to him. Subsequently,

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

counsel for defendant also spoke to prosecuting AUSA, Jason Hitt, who also had asked Ms. Gaskins for a copy of the police report and was told **he** also could **not** have a copy.

On June 15, 2009, counsel for defendant called Ms. Gaskins again and asked if he could at least **see** a copy of the police report. She responded that neither counsel for the defendant nor the government would be shown a copy of the police report until June 22, 2009, **after** the court saw a copy, since that was the policy of her office. She indicated if either the prosecutor or I wished to have a copy of the police report, we should seek a court order.

I do not know who establishes this type of policy. I do know that the policy does not comport with the minimum standards of due process. How can either the prosecutor or the defense attorney possibly effectively prepare for a revocation hearing when neither is allowed to review the bases for the violation?

Therefore, AUSA Jason Hitt and defense attorney Jan Karowsky hereby stipulate and agree and respectfully request the Court for an Order directing the U.S. Pre-trial Services Office for the Eastern District to turn over to counsel for the government and the defense, forthwith, a copy of the relevant police report from the June 10, 2009 arrest of Richard Mendoza.

IT IS SO STIPULATED.

Dated: June 15, 2009

JAN DAVID KAROWSKY

Attorney at Law
A Professional Corporation

/s/ Jan Karowsky
By: Jan David Karowsky
Attorney for Defendant
Richard Mendoza

Dated: June 15, 2009

LAWRENCE BROWN
Acting United States Attorney

/s/ Jason Hitt
By: Jason Hitt
Assistant U.S. Attorney
By Jan Karowsky with Mr. Hitt's permission

ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the Pre-trial Services Office for the Eastern District of California is ordered to turn over to the attorney for the government and for the defendant, a full and complete copy of that certain police report which documents the arrest of Richard Mendoza on June 10, 2009.

IT IS SO ORDERED.

Dated: June 16, 2009.

U.S. MAGISTRATE JUDGE