



OFFICE OF THE  
**DISTRICT ATTORNEY**  
EL DORADO COUNTY, CALIFORNIA

---

**VERN PIERSON, DISTRICT ATTORNEY**

**M E M O R A N D U M**

**TO : Kelly Webb**

**FROM : Jodi Albin**

**DATE : February 1, 2010**

**SUBJECT : Mid Year Status for District Attorney's Office**

---

**REVENUE**

341 Penalty: Restitution- No Change

342 Penalty: Bad Check Restitution- No Change

860 ST: Public Safety Sales Tax- Reduction per Kathy Sergeant

880 ST: Other- No Change

896: ST: OES- Reduction of \$5,000 due to increase received in grant award that we don't anticipate using before year end. Appropriations reduced for same.

1124: FED: OES- Reduction of \$18,159 due to non use of VOCA Stimulus. Funds have to be used as a direct service to victims. We are continuing to explore the possible use of these funds, but they would have an offsetting appropriation resulting in no net county cost savings.

1200: REV: Other Government- No significant change

1746: Blood Draws- Projecting increase of \$12,040. Actual revenue coming in has averaged at \$2,500 per month. We are using the average to forecast future revenues.

**PLEASE REPLY TO:**

\*\* 515 Main Street  
Placerville, CA. 95667  
(530) 621-6472  
Fax (530) 621-1280

1360 Johnson Blvd. Ste.105  
South Lake Tahoe, CA 96151  
(530) 573-3100  
Fax (530) 544-6413

WEB SITE:  
[www.co.el-dorado.ca.us/eldoda](http://www.co.el-dorado.ca.us/eldoda)

**RE: Mid Year Status for District Attorney's Office  
February 1, 2010**

**PAGE TWO**

1800: Interfund: Fund Types- Projecting loss of \$50,000 due to Welfare Fraud Program. As a result of the unanticipated Garrido case this office had to divert resources early on in the fiscal year. The District Attorney's Office is working to catch up but it is likely that the full \$250,000 will not be realized.

2020- Operating Transfers In- Forecasting shortage of just under \$35,000. This loss is again due to the lack of resources available resulting from the Garrido case. The Automobile Fraud Insurance Program is anticipating a shortage of \$15,000 along with \$15,000 in the Environmental program and \$5,000 in Workers Compensation Insurance Fraud. Each of the above programs is billed via employee time studies. If hours aren't worked the time cannot be billed resulting in a loss of revenue for the department.

**EXPENDITURES**

No change in expenditures anticipated for department. The District Attorney's Office is hopeful that we will be able to recognize some savings in Class 40, but due to the magnitude of cases, specifically the Garrido case, we are unable to pinpoint with any certainty whether or not that will actually occur.

\*Savings from early retirement packages- In an effort to meet the Tier I and II reductions the District Attorney's Office had two employees offer to take the early retirement package in order to save positions.

The first position was a Legal Secretary. This individual worked at the District Attorney's Office for over 25 years. The savings created from this position is \$36,000 for FY 09/10 and \$68,000 for FY 10/11.

The second position was the Chief Investigator. Never before has this county not had a Chief Investigator within the District Attorney's Office. The loss of this position has created an immeasurable amount of work for the two Supervising Investigators with the primary impact in the Placerville office. The savings created from this position is \$75,000 for FY 09/10 and \$215,000 for FY 10/11.

**RE: Mid Year Status for District Attorney's Office  
February 1, 2010**

**PAGE THREE**

### **QUALITY CONTROL**

The District Attorney's Office is not taking the challenges before us lightly. Employees are faced daily with overwhelming work loads and overcrowded spaces. In an effort to minimize spending the Victim Witness office is being relocated to 515 Main Street where the District Attorney's Office is located. This translates into the addition of six employees to the already insufficient space.

In order to insure the maximum revenue possible employees are required to turn in time studies on a pay period basis. These hours are being tracked and monitored by the Fiscal Administrative Manager. This process allows management to shift resources as needed.

### **CHALLENGES**

#### **Caseload:**

The greatest challenge to the District Attorney's Office has not only been the number of large cases, but the magnitude of resources required to investigate and prosecute these cases. Listed below are a few of the more complex and time consuming cases currently pending in this office:

- Joseph Nissensohn – cold case homicide involving the murder of Cathy Graves, age 17, in August, 1990, in South Lake Tahoe. We are also prosecuting two counts of homicide out of Monterey County. Received case for prosecution on or about January 29, 2008.
- Steven Colver and Tylar Witt – homicide involving the murder of Tylar Witt's mother in El Dorado Hills in June, 2009.
- Melissa Nichols – vehicular manslaughter, originally charged as homicide of James Anthony Payne in August, 2008.
- David Charles Zanon – homicide, death penalty case involving the murder of CHP Officer Douglas Scott Russell in July, 2007.
- Patricia Presba and Jaime Ramos – homicide involving the murder of Ron Presba in June, 2008.
- Christine Varozza and Nicholas Denham – homicide involving the murder of Gerald Ludden in June, 2008.
- Ruben Aguirre, et al. - seven defendant gang related case involving the attempted murder of Sergio R., a minor, South Lake Tahoe in June, 2009.

**RE: Mid Year Status for District Attorney's Office  
February 1, 2010**

**PAGE FOUR**

- Larry Carmean and John Catalano – money laundering, embezzlement – large fraud case involving former El Dorado County car dealership.
- Phillip and Nancy Garrido – kidnapping, forcible rape of Jaycee Dugard in South Lake Tahoe in June, 1991. Received case for prosecution on or about August 28, 2009.
  
- This case came to the office in month two of the fiscal year. A large amount of resources have been absorbed in this case. To date over \$105,000 in salaries and benefits has been expended on this case along with \$6,000 in services and supplies. The total anticipated cost in fiscal year 09/10 is just under \$200,000. This figure equates to one full time Investigator and a half time Deputy District Attorney. This case will be billed to the State as a SB 90 case and although the District Attorney's Office does not directly receive the reimbursement for costs incurred, such reimbursements will be made to the county general fund.

Fiscal year 09/10 has had a number of challenges. The continued increase in murders in this county as referenced above, along with the number of unprecedented fraudulent crimes, has depleted all available resources within the District Attorney's Office.

**RE: Mid Year Status for District Attorney's Office  
February 1, 2010**

**PAGE FIVE**

**Financial:**

Attached to this memo is a ten year funding analysis for the District Attorney's Office. The most noted challenge in this summary is the decline in general fund dollars. Below is a summary of some of the more poignant statistics:

<u>Description</u>	<u>06/07</u>	<u>07/08</u>	<u>08/09</u>	<u>09/10</u>
Grant Funding as % of Total Revenue	42%	52%	59%	63%
NCC as % of Total Appropriations	70%	71%	69%	68%
General Funded FTE	58.6	58.31	50.31	46.35
Grant Funded FTE	6.6	7.89	13.49	13.95
Grant Funding FTE as % of Total Personnel	10%	12%	21%	23%

The District Attorney's Office has sought out grant programs to assist the county with the financial obligations in fighting crime; however, this initiative has resulted in the office being penalized by receiving less county funding. The continued decline in general fund dollars comes at a time when the District Attorney's Office is working more high profile murder cases and an overwhelming number of financial crimes with less resources and staff.

**HIGHLIGHT**

In December, 2009, the District Attorney's Office obtained a resolution in the case of *People v. Ulysses Roberson*. This cold case homicide involved the murder of the defendant's then four year old son. No body was ever found. Defendant had been in custody in Washington State and was due to be released when we obtained an arrest warrant and extradited him back to El Dorado County to face prosecution. Deputy District Attorney Trish Kelliher was assigned to prosecute this case with the assistance of Investigator Paul Moschini. After countless hours of preparation, this case was tried before Judge Suzanne Kingsbury in September, 2009, and lasted approximately two months, with a conviction of 2<sup>nd</sup> degree murder. The defendant was sentenced to a life term. As a result of the diligent efforts of District Attorney staff, justice was served.