

The reason America is in the miserable shape it's in today is primarily because the American electorate is mostly ignorant of constitutional principles and, therefore, is either incapable or unwilling to hold their civil magistrates accountable to the Constitution.

First and foremost, I have been supportive of Sheriff D'Agostini since 2010. I helped campaign to get him elected. He was aware of my Capitol ministry involvement where we vetted candidates for political office. The Sheriff promised to do a clean sweep. He even requested we pray for him and his wife during the campaign battle of seven candidates for EDC Sheriff.

It is a fact that the Sheriff has denied my email access to EDSO and refuses to meet even if I'm accompanied by witnesses. I have found it necessary to question the Sheriff on more than one occasion regarding his Constitutional Oath. His motive appears to be retaliation for holding his feet to the fire.

Due to threats and concerns about my personal protection I was strongly urged by friends to apply for a Carry Concealed Weapon permit. I applied for my CCW on August 10, 2015. At that time I was told it would take 6-8 weeks to complete the Permit process. The appointment for my CCW interview wasn't scheduled until **January 7, 2016**. It was during my interview with Detective **Sean Fitzgerald** that I discovered my background check had been held at EDSO since **October 21st**.

The interview with Detective **Fitzgerald** was actually an interrogation about multiple Citizens Complaints filed against EDSO staff for misconduct and their falsification of reports involving American River Conservancy, the Coloma Resort, and unauthorized entry by two detectives to my property without notice or just cause.

Citizens have broad Constitutional liberties in the freedom of speech and exercise of their civil rights. One of those rights is to file formal Citizen's Complaints for EDSO misconduct and the right to give testimony before a disciplinary hearing. The Sheriff was provided eight Citizens Complaints contained in (this binder) sent to the EDC Grand Jury as well as Vern Pierson for investigation. The Grand Jury eventually handed it over to the CAO to return to me, a serious breach of confidentiality.

Despite audios and other documentation submitted to EDSO, the complaints were never investigated and dismissed by a standard form letter stating "No Misconduct." The Sheriff appears above the law and protects his own.

Then Sean told me that it was illegal to audio record law enforcement. I reminded him that the Ninth Circuit U.S. Courts of Appeals have recognized the First Amendment right to record the police and/or other public officials. The First Amendment protects

the right to record audio and video regardless of whether the police/officials consent. This constitutional right would override any state or federal laws that would otherwise prohibit such recording. The rationale is public officials need to be held accountable for their actions.”

Sean also used techniques to suggest I committed perjury. After an hour of interrogation it was looking dubious that he had any intention of granting my CCW permit. He was assured I had been truthful in all my replies and documentation provided to Sheriff D’Agostini. After examining my weapon I was told I’d receive a letter in the mail within 1-2 weeks.

Approximately two hours after my 1/7/16 appointment with Detective **Fitzgerald** I was elated to receive a phone message from Deputy Gillespie stating my **CCW permit had been approved** and I needed to schedule an appointment with Records.

My appointment to pick up my approved CCW wasn’t scheduled for five weeks until February 16th at 11:20 AM. However on February 12th I received a certified letter in the mail from EDSO stating my CCW was denied. ***What happened in the interim between the 1/7/16 APPROVAL and the 2/12/16 DENIAL of my CCW???***

EDSO staff is a reflection of the Sheriff’s leadership. How he handles staff misconduct is a measure of his integrity and effectiveness in law enforcement. To cover up EDSO misconduct violates his Constitutional Oath of Office further undermining the public’s trust in law enforcement. Is John D’Agostini truly a Constitutional Sheriff, or just in name only? The potential for liability and scandal is mind boggling.

Sheriff Richard Mack’s 2013 email reply to my concerns about Sheriff D’Agostini’s role in ***Last Line of Defense*** says it best, “*We don’t take responsibility for the Sheriffs or other public officials conduct or the lack of it. We will remove them if they don’t maintain a certain level of commitment to their oath, but other than that they answer only to you...”*

My greatest concern at this point is the precarious Catch-22 situation the Sheriff has created by putting me directly in harm’s way. Whether or not Sheriff D’Agostini approves my CCW permit is moot. The damage has been done. How he chooses to resolve the situation will be a test of his own character and commitment to his Constitutional Oath of Office.

Madam Clerk: Please enter these documents into the public record:

1. This transcript
2. Appeal of CCW Permit Denial – cc: D.A., DOJ, CSPOA

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Citizen's Academy

[CLICK HERE FOR A PRINTABLE APPLICATION](#)

The El Dorado County Sheriff's Office offers the Citizens Law Enforcement Academy. This Academy will familiarize El Dorado County residence with the many aspects of law enforcement and the role the Sheriff's Office plays in the community.

The Sheriff's Office has instituted the concepts of Community Oriented Policing and Problem Solving (COPPS). The goal of the COPPS program is to open a positive line of communication with our citizens and to involve the community in some of the decisions regarding law enforcement.

By attending the Academy, citizens will develop a better understanding of the guidelines under which an officer functions and why officers handle situations the way they do. Also discussed is the role of law enforcement and how members of the community can come together to address serious crime and social issues.

A few examples of the Academy's course content include community relations and dynamic looks into our patrol functions, K-9 program, property crimes, gangs, narcotics, probable cause, search and seizure, court decisions, traffic laws, criminal investigations, crime scene investigation, arrest and scenario based vehicle stops.

In order to receive the full value of this Academy and to be able to observe procedures firsthand, the Academy includes a four hour block in which each class member is assigned to ride along with a patrol deputy while he/she works the beat.

The Academy meets every Wednesday from 6pm to 9pm for 12 weeks; the course is typically offered twice a year. Classes are held at the Sheriff's Training facility located at 1337 Broadway in Placerville. The Citizen's Academy is limited to 30 participants in each Spring/Fall session and is free of charge to El Dorado County residents.

The upcoming Citizen's Academy will start on Wednesday, March 9th, 2016 and ending, May 25th, 2016.

This program has been very well received and enjoyed by all who have participated in the past. If you are interested in participating click on the Printable Application, or contact one of the following:

For Questions:

Detective Sean Fitzgerald 530-621-5714 or <mailto:fitzgers@edso.org>

For questions regarding the application process:

CSO Teresa Wren 530-621-6533 or <mailto:wrent@edso.org>

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