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By U.S. Mail and Facsimile Transmission (707-468-3404)

July 11, 2002

Mendocino County Sheriff Tony Craver
951 Low Gap Road
Ukiah, CA 95482

Re: Shooting of Mary Geddry's Dog (MCSO 1-02-002158 and AC060102-01)

Dear Mr. Craver:

Thank you for your letter of June 24, 2002, expressing your condolences. My client truly appreciates your concern. So that you may be fully apprised of this matter, I enclose for your review the correspondence to date between Mr. Vroman and me concerning this incident.

Today I write at the request of Ms. Geddry to ask for a formal investigation of possible misconduct by Deputy John D. Bushnell. As indicated by the police report, Mr. Bushnell engaged in a series of prejudicial and potentially illegal actions in this matter.

At 7:15 p.m., Mr. Bushnell arrived at Don Iversen's stopped vehicle, driven by his brother, John Iversen. CHP Officer Berg had stopped the suspect vehicle only minutes after the shooting of Ms. Geddry's dog. When Bushnell first questioned the brothers, "they both denied any knowledge of the incident." After Mr. Bushnell, by psychological means, obtained a confession that Don Iversen had indeed shot the dog only minutes before, Mr. Bushnell concludes, "I knew he was being untruthful."

Even though Don Iversen had been caught in a brazen lie, Mr. Bushnell failed to detain John Iversen or question him further. On Don Iversen's statement that "John had nothing to do with the incident" Mr. Bushnell let John proceed to an "appointment." Mr. Bushnell had, only moments before, concluded Don Iversen was a liar. It is inconceivable that he failed to detain John Iversen, another suspect, and, according to Animal Control, an accomplice.

Next, Mr. Bushnell returned to Don Iversen's home. When he asked Don to produce the weapon used to kill the dog, "Donald was resistant to releasing the firearm." Clearly Mr. Bushnell had probable cause to search Don Iversen's home. Instead of exercising his police powers, Mr. Bushnell writes, "I attempted to talk him into bringing me the gun but ultimately he asserted his rights and denied me entry into his home." It is unclear what to

which “rights” Mr. Bushnell refers. In light of the incident he was investigating, this lack of an assertive search is astonishing.

Most startling, however, is Mr. Bushnell’s next statement in his report. “I told Donald that based on his statements and the prior incidents I did not believe that he was wrong in shooting the dog.” The role of a peace officer is not to pass judgment in the field. If such preferential language is included in the report, one can only imagine the favoritism shown at the scene of the investigation.

This favoritism is further bolstered by two other incidents. Both involve Deputy District Attorney Mark Kalina and Mr. Bushnell.

First, Mr. Bushnell had a long conversation with Mr. Kalina on the night of the shooting. No reference is made to this fact in the police report nor is Mr. Kalina’s statement recorded in any way. This conversation occurred in the presence of several witnesses. Mark Kalina has an abnormal fear of dogs and complained about Ms. Geddry’s dog in the past. In May 2002, he wrote a letter to Mendocino County Animal Control embellishing stories of his encounters with Ms. Geddry’s dog. His complaint closely corresponds to the definition of a “potentially dangerous” dog in the Food and Agriculture Code and appears to have been drafted with the code in mind. Mr. Kalina “had it in” for Ms. Geddry’s dog. He is also involved in a neighbor-to-neighbor boundary dispute with Ms. Geddry.

For all of these reasons, Mr. Kalina’s involvement and any statements by him are highly suspect. The fact the conversation was not mentioned or included in the report further calls into question Mr. Kalina’s influence over the investigation. One can easily speculate that Mr. Kalina asked Mr. Bushnell to have the investigation “come out the right way” and avoid conducting a thorough investigation.

Indeed, on June 3, 2002, at 11:00 a.m., Mr. Kalina walked into the Sheriff’s Office and met in person with Mr. Bushnell. Mr. Bushnell records this in the report. Based only on Mr. Kalina’s unverified statements that Ms. Geddry’s dog had engaged in aggressive behavior (charges, by the way, that had been investigated and cleared by Animal Control) Mr. Bushnell writes, “I request consideration of a violation of 370 PC Maintain a Public Nuisance against Mary Geddry.”

Mr. Kalina’s involvement had now caused the investigation to reverse itself. Don Iversen, the confessed trigger-man who discharged a shotgun from a public roadway onto a neighbor’s property, killing her dog, warranted no request for charges. Indeed, he had not been detained on the day of the shooting although standard law enforcement procedure required his arrest that evening. It appears that Mr. Kalina and Mr. Bushnell conspired to punish Ms. Geddry for her adamant demand that Don Iversen be held accountable according to the law. This later-brought public nuisance investigation is nothing more than a trumped-up charge designed to dissuade Ms. Geddry from pursuing justice in this matter.

Further evidence of Mr. Kalina's influence on the investigation is that District Attorney Norm Vroman personally called Mendocino Animal Control on the morning of June 3, 2002 and told that office that the Geddry / Iversen dog dispute "had been taken care of" and "not to investigate the incident." The evidence may show that Mr. Kalina asked Mr. Vroman to make such a phone call for purposes of covering up what really happened on June 1, 2002. In addition, Mr. Vroman has an antipathy for enforcing animal rights law and a special and personal dislike for the Field Manager of Mendocino County Animal Control, Mr. Robert Arbayo.

All of this indicates that Mr. Bushnell undoubtedly negligently conducted the investigation into this matter. It is a strong possibility that he purposefully did so with the approval, tacit or express, of Deputy District Attorney Mark Kalina and District Attorney Norm Vroman.

A cornerstone of the American justice system is that the police suppress, detect and investigate crime. Suspected crime is then presented to an unbiased prosecutor and, if pursued, presented to an impartial court for trial. Officer Bushnell has usurped all three functions, rendering justice in the field and allowing his investigation to be influenced by the prosecutor. This is a fundamental breakdown in our system of law and exposes the County of Mendocino to liability.

I am certain that you are aware of the Ninth Circuit Court of Appeals case *Brewster v. Shasta County*, 275 F.3d 803 (2001), in which it was held that "the Shasta County Sheriff acts for the County, not the state, when investigating crime in the county." *Id.* at 807. Based on this conclusion, the court held that "the County may be subject to liability under 42 U.S.C. § 1983" for the Sheriff Department's behavior in investigating crime. *Id.* at 812.

By requesting a formal investigation, Ms. Geddry does not waive any right to seek further legal redress.

Finally, we continue to struggle to obtain documents concerning this case from Mr. Vroman. As you indicated, you believe Mr. Vroman has the authority to release records concerning an investigation. Mr. Vroman stated that the records are the property of your department and added that he does not have the authority to release such records. Based on Mr. Vroman's refusal to turn over public documents, we served a civil subpoena upon him. Although we did not request information about the District Attorney's "decision to file – or not file – charges" he has objected on such a ground through County Counsel.

Mr. Tony Craver, page 4

The California Public Records Act (CPRA), Government Code section 6250 *et seq.* requires disclosure of such records in a situation such as this matter.

Very truly yours,

Andrew S. Mansfield

cc: Ms. Mary Geddry
Assemblymember Virginia Strom-Martin
Mr. Norm Vroman, Esq. and Frank Zotter Jr., Esq.
Mendocino County Board of Supervisors
Ukiah Daily Journal, Santa Rosa Press Democrat, Fort-Bragg Advocate News /
Mendocino Beacon, Anderson Valley Advertiser
Greg Petersen, Esq.
Mark Kalina, Esq.