

~~EXHIBIT 62~~

A neighbor's side of Ross Mirkarimi case

Abraham Mertens

Tuesday, March 20, 2012



My next-door neighbor, Sheriff Ross Mirkarimi, should resign immediately based on his actions on the afternoon of Dec. 31 and during the legal proceedings that followed.

Ross' wife, Eliana Lopez, told my wife, Ivory Madison, and at least one other witness that on that day he screamed profanities at and attacked her, inflicting a large bruise on her arm, in front of their terrified and crying 2-year-old son, Theo. Ross was charged with domestic violence battery, child endangerment and dissuading a witness.

Ross should also resign because it is an insult to his oath of office that, for the past two months, he paid a team of lawyers to relentlessly attempt to discredit, dissuade and harm my wife.

My wife is the CEO of Red Room, a demanding social media startup and online book retailer. We also are full-time parents of our baby daughter. You can imagine how little free time Ivory has, and yet she's always there for friends. Unfortunately, by being a friend to Eliana, Ivory unwittingly became a key witness in this case.

The last time I spoke to Eliana was when she called me on Jan. 4. I recognized what I thought was Ross' voice in the background as Eliana pressured me to destroy evidence and lie to the police. Then she repeatedly called Ivory, demanding that Ivory destroy the video, e-mail and texts from Eliana about the incident. I'm an attorney, but even if I were not, I would not destroy evidence, obstruct justice or lie to the police, and neither would my wife. Our criminal justice system can work only if most people follow the law and tell the truth to law enforcement.

After we refused to lie, Ross, Eliana and attorneys working for them attacked Ivory's character and motives. This included falsely accusing her of implausible criminal activity, such as being part of a vast political conspiracy to frame Ross, and practicing law without a license. They subpoenaed our confidential business and personal correspondence and the phone records of our friends. Reporters told us that Ross's attorneys were trying to feed them stories almost every day.

Among other efforts to silence my wife, a dramatic letter was delivered to us demanding that she not testify and falsely claiming that she would be acting illegally if she did so. Attorney Paula Canny, who Ross recently admitted is being paid for by him and his "legal defense fund," signed the letter.

Ross' behavior toward my wife was so abhorrent that San Francisco District Attorney George Gaseón forced Ross to publicly apologize to her as part of the plea deal in which Ross admitted to domestic violence false imprisonment. Gaseón commended Ivory for her courage and reminded the community that law enforcement needs witnesses to cooperate for law enforcement to do its job.

Yet before the ink was dry on the plea agreement, Ross made statements that indicate a total failure to understand that his wounds in this matter are self-inflicted and that he pleaded guilty to a crime.

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Ross' team first implied he pleaded guilty because the scales of justice were weighted against him. People from his camp said his legal defense "couldn't get a fair shake" in court. His attorney, Lidia Stiglich, had challenged an earlier judge she said was prejudiced against her client. Ross talked of "forces at work" to prevent him from being sheriff, and his allies claimed the district attorney's office was prosecuting him only for political reasons.

It appears that Ross thinks the legal system, which he is sworn to uphold, is rigged.

Ross and his various spokespeople also claimed he pleaded only because he wanted to be reunited with his wife as soon as possible. And, in an apparent effort to solicit money, he claimed that he mostly pleaded guilty because he couldn't afford the legal bills since he is solely responsible for supporting Eliana.

Telling the truth and facing the consequences are pillars of our society, and I'm proud of my wife for setting a good example for our daughter. If everyone acted as she did, the world would be a better place. If everyone behaved as Ross and Eliana did, can you imagine what would happen to our justice system and society?

The office of sheriff of the city and county of San Francisco is an important law enforcement leadership position overseeing a budget of more than \$175 million and a staff of nearly 1,000 employees. Ross has delayed the trial and collected his sheriff paycheck for long enough. Ross' actions in this matter reveal that he does not have the moral qualifications or commitment to law enforcement necessary to do the job.

If he won't resign, Mayor Ed Lee and the Board of Supervisors need to remove him, and if they don't, the people will by recall. Ross says he wants to move on. So do we all—without him as sheriff. It's bad enough my family has to live next door to him.

Abraham Mertens is vice president and general counsel of Red Room.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2012/03/20/EDUC1NN1L0.DTL>

This article appeared on page **A - 9** of the San Francisco Chronicle

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