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9  
10 ETHICS COMMISSION  
11 CITY AND COUNTY OF SAN FRANCISCO

12  
13 In the Matter of Charges Against  
14 ROSS MIRKARIMI,  
15 Sheriff, City and County of San Francisco.

**THE MAYOR'S  
(1) OBJECTIONS TO WITNESS  
DECLARATIONS AND  
REQUESTS FOR CROSS-  
EXAMINATION OF DECLARANTS;  
(2) SUBPOENA REQUESTS**

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19 **1. Objections to Witness Declarations And Request For Cross-Examination**

20 On June 8, Sheriff Mirkarimi submitted the declarations of Emin Teken and Linnette Peralta  
21 Haynes.

22 **Emin Teken.** The Mayor has no objections to the declaration of Emin Teken or to the  
23 attached exhibit. At this time, the Mayor does not intend to cross-examine Mr. Tekin.

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1 **Linnette Peralta Haynes. Objections:**

<b>Testimony</b>	<b>Objection</b>
2 Second paragraph: "After speaking with 3 her, I was satisfied that she was not in 4 danger."	Lack of foundation. No facts are provided to support this opinion whether Ms. Lopez was actually in danger; and qualifications have not been established to offer an expert opinion on this subject.
6 Third paragraph: "... I asked whether she 7 had contacted any domestic violence 8 agencies, or attempted to connect Eliana 9 with any domestic violence agencies for support. <i>The woman responded no</i> and became agitated." (Italics added.)	Hearsay. The italicized testimony is not admissible to prove what the person on the phone did or did not do to assist Ms. Lopez.
10 Fourth paragraph: "...she had not been 11 able to contact him, she was trying to locate him and meet him in person."	Hearsay. The testimony is not admissible to prove whether Ms. Lopez had been able to contact Sheriff Mirkarimi or what Ms. Lopez was trying to do.

12 The Mayor requests that Ms. Peralta Haynes appear for cross-examination. Should Ms.  
13 Peralta Haynes not appear and testify live, the Mayor objects to the entirety of Ms. Peralta Haynes'  
14 declaration.  
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16 **2. Request for Subpoenas**

17 The Mayor requests that the Commission issue subpoenas for the following witnesses:

18 **Linnette Peralta Haynes.** Good cause exists to issue a subpoena for Ms. Peralta Haynes'  
19 testimony because she has submitted a declaration containing information relevant to Sheriff  
20 Mirkarimi's conduct on January 4. Cross-examination is necessary to determine the basis for  
21 several of the statements contained in Ms. Peralta Haynes' declaration. In addition, the Mayor  
22 wishes to present Ms. Peralta Haynes' testimony about information not contained in her declaration,  
23 such as the details of Ms. Haynes' communications with Sheriff Mirkarimi and Ms. Lopez on  
24 January 4 and before that date, and the extent to which those communications addressed the  
25 existence of domestic abuse and how to respond to it. Counsel for the Mayor have contacted Ms.  
26 Haynes' counsel to determine her availability to appear on the currently set hearing dates.  
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1           **Sheriff Ross Mirkarimi.** Good cause exists to issue a subpoena for Sheriff Ross  
2 Mirkarimi's testimony because he has information about his actions related to the charges against  
3 him, and the reasons for his actions.  
4

5           The Mayor may request a subpoena in the future with regard to one or more of the following  
6 witnesses, but for the reasons indicated below the Mayor is not requesting the Commission to issue  
7 a subpoena at this time:

8           Eliana Lopez. Ms. Lopez is in Venezuela. According to news reports, Ms. Lopez and  
9 Sheriff Mirkarimi are expected to file a stipulation with the family court to extend Ms. Lopez's stay  
10 in Venezuela for another two months, beyond the current court-approved date of June 16.  
11 Therefore, Ms. Lopez will continue to be beyond the reach of the Commission's subpoena power.

12           Ivory Madison and Abraham Mertens. We expect Ms. Madison and Mr. Mertens to submit  
13 declarations shortly.

14           Christine Flores. At the May 29, 2012 hearing, the Commission deferred the issue of how to  
15 proceed regarding Christine Flores' testimony in the criminal action. Concurrently with this filing,  
16 the Mayor is filing certified official transcripts of the evidentiary hearing in *People v. Mirkarimi*,  
17 S.F. Sup. Ct. No. 12001311 (March 2 and March 5, 2012), in which Christine Flores testified and  
18 was cross-examined under oath.

19                   DATED: June 13, 2012

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