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9 ETHICS COMMISSION

10 CITY AND COUNTY OF SAN FRANCISCO

11
12 In the Matter of Charges Against
13 ROSS MIRKARIMI,
14 Sheriff, City and County of San Francisco.

**MAYOR'S REBUTTAL WITNESS
AND MAYOR'S OBJECTION TO
SHERIFF'S WITNESS**
[San Francisco Charter Section 15.105]

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19 In response to the Ethics Commission's April 23, 2012 directions to the parties, the Mayor
20 hereby submits the following disclosure of a rebuttal witness and objection to the Sheriff's proposed
21 witnesses.

22 **REBUTTAL WITNESS**

23 Based on the identity and subject matter of witness testimony identified in the Sheriff's May
24 10, 2012 initial witness list, the Mayor identifies the following rebuttal witness:

25 1. **Jane Doe.** Because of the sensitive nature of this witness' testimony and the
26 witness' desire to remain anonymous, the Mayor is not publicly identifying this witness. Counsel
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1 for the Mayor, however, have orally provided the true name of this witness and a summary of the
2 subject matter of her testimony to counsel for the Sheriff.

3 The Mayor reserves the right not to call this witness if her testimony becomes unnecessary
4 or her privacy cannot be protected.

5 **OBJECTION TO SHERIFF'S PROPOSED WITNESSES**

6 The Mayor's objection here is based on the witnesses identified by the Sheriff in his May
7 10, 2012 witness list, and the stated subject matter of their testimony. The Mayor's objection is
8 limited to witnesses whose testimony appears to be inadmissible in its entirety. The Mayor reserves
9 the right to make all other evidentiary objections.

10 The Mayor provisionally objects to the testimony offered by former Mayor Art Agnos. The
11 Sheriff has identified that testimony as follows: "Former Mayor Art Agnos is expected to testify by
12 declaration as to conversations he had with Mayor Lee prior to the Mayor's suspension of the
13 Sheriff." The Mayor is unaware of any way in which the content of former Mayor Agnos'
14 conversations with Mayor Lee would be relevant to the question whether the Sheriff engaged in
15 official misconduct.

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1 The Mayor makes his objection on a provisional basis because there is insufficient
2 information to reach a fully informed conclusion about the content or relevance of Mayor Agnos'
3 testimony. The parties' summaries of anticipated testimony are limited to subject matter areas and
4 are necessarily incomplete.

5 The Mayor respectfully urges the Commission to treat all witness objections at this time as
6 provisional, and to reserve ruling on the objections until such time as the parties have had an
7 opportunity to actually offer witness testimony or to submit a detailed proffer of the anticipated
8 testimony, so that the Commission has an adequate basis for its evidentiary rulings.

9 DATED: May 25, 2012

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