

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

PETER J. KEITH
Deputy City Attorney

DIRECT DIAL: (415) 554-3908
E-MAIL: peter.keith@sfgov.org

July 18, 2012

John St. Croix, Executive Director
Mabel Ng, Deputy Director
San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102

Hand Delivered

Re: *Charges Against Ross Mirkarimi, Sheriff of the City and County of San Francisco*

Dear Mr. St. Croix and Ms. Ng:

We have enclosed seven sets of tabbed copies of Mayor Exhibits 50 and 84-87 – one set for each of the Commissioners' exhibit binders, one set for the witness exhibit binder, and an extra set.

We are re-submitting this copy of Exhibit 50 (a four-page exhibit that is a chain of emails) because the earlier copy that we submitted inadvertently excluded the first page of the exhibit.

We request that these be added to the tabbed exhibit binders that we provided earlier. If Commission staff is unable to do this today due to time constraints, then I can arrange for a member of our staff to arrive at the hearing early to insert these exhibits in the binders. Please let me know.

Thank you again for your courtesy and cooperation in these matters.

Very truly yours,

DENNIS J. HERRERA
City Attorney

A handwritten signature in black ink, appearing to read "Peter J. Keith".

PETER J. KEITH
Deputy City Attorney

encl.

cc: Scott Emblidge, Esq. (e-mail w/encl.)
David P. Waggoner, Esq. (e-mail w/encl.)
Shepard Kopp, Esq. (e-mail w/encl.)

EXHIBIT 50



Mike Becker SFmail04/SFGOV
Inbox (51)
Drafts
Sent
Follow Up
Junk Mail
Trash
Views
Folders
Tools
Other Mail
Widgets

New Reply Reply To All Forward M

FW:

Ivory Madison

Thursday, January 05,

To: mike.becker@sfgov.org

-----Original Message-----

From: elianalopez@gmail.com
[\[mailto:elianalopez@gmail.com\]](mailto:elianalopez@gmail.com)
 Sent: Monday, January 02, 2012 11:18 AM
 To: Ivory cell
 Subject: Re:

I am agree with everything.
 I'm realizing how serious it is and I have to be very smart to protect Theo and myself.
 I always believe in my instinct, and now I just would like to run away.
 Thank you so much!!
 I will call you back.
 E
 Sent via BlackBerry by AT&T

-----Original Message-----

From: Ivory Madison <ivorymadison@redroom.com>
 Date: Mon, 2 Jan 2012 10:59:06
 To: <elianalopez@gmail.com>
 Subject: RE:

Eliana,

I have spoken to a few friends to get advice.

The number one thing you must do is call the police (don't threaten to call, just take Theo and run into a neighbor's house or down the street or lock yourself in the car, or in the same room with him, even if he's calmed down, whatever is needed) every time there is an incident. There is no other type of evidence as important as this. Even if you call 911 and then by the time they get there everything is "fine" you have to call. Every single time he treats you like that or anything close to it, even just words not physical violence, call 911. Every time. And tell them everything so it's on record, the history, the context of past incidents, in which these types of actions (the turning the car

From: Ivory Madison [REDACTED]
To: mike.becker@sfgov.org

Date: Tuesday, January 17, 2012 03:52PM
Subject: FW:

-----Original Message-----

From: Ivory Madison [REDACTED]
Sent: Monday, January 02, 2012 10:59 AM
To: [REDACTED]
Subject: RE:

Eliana,

I have spoken to a few friends to get advice.

The number one thing you must do is call the police (don't threaten to call, just take Theo and run into a neighbor's house or down the street or lock yourself in the car, or in the same room with him, even if he's calmed down, whatever is needed) every time there is an incident. There is no other type of evidence as important as this. Even if you call 911 and then by the time they get there everything is "fine" you have to call. Every single time he treats you like that or anything close to it, even just words not physical violence, call 911. Every time. And tell them everything so it's on record, the history, the context of past incidents, in which these types of actions (the turning the car around, insulting you, yelling) did sometimes get violent.

I called our therapist to ask for a referral for someone who works with couples in your situation (men like Ross, not normal couples). I called a DA friend and an attorney who used to work with battered women. When you get back, we'll get everyone's advice.

I think that you cannot believe that a woman as smart, strong, educated, and independent as you are could be in this type of marriage, but that's because domestic violence and bad marriages are like being a frog in a pot of boiling water--if you threw the frog into already boiling water, it would jump out, but if you put the frog in when the water is fine, and then slowly increase the heat until it's boiling, the frog will stay in and die. You're the frog. So if Ross won't stop boiling you and Theo alive, you'll have to jump out.

Abe and I were so sad yesterday for you and Theo. We had increasingly been worried about what a terrible husband Ross is, but like you, we thought, surely that's the worst of it and after the election things will get better. Now we can see that was foolish of us.

The checklists for "are you a battered woman" include very little about violence, you know, because it's the emotional abuse that makes up 99% of the pain. Ross fits the profile perfectly. Controlling and withholding about money, trying to isolate you from friends and family... I know Ross doesn't realize it yet, but he is about to find out (or deny forever) that he is an abusive husband. Remember, regular relationships include romance and fun and at times SO DO ABUSIVE RELATIONSHIPS. Just because you love him or he is "sorry" or you aren't perfect either doesn't mean you are not

being abused.

We'll be here for you whether he can change or can't change and you need a divorce. I'm sorry we didn't realize sooner how serious your situation was. We want to help protect you and Theo.

-Ivory

-----Original Message-----
From: [REDACTED]
Sent: Monday, January 02, 2012 10:23 AM
To: Ivory cell
Subject: Re:

Hi dear!
We are leaving to Monterrey. Can you believe it? Today, monday. I'm so tired.
I feel like the character in the book you were talking about: "my husband is taking me to a route trip!"
We are coming back tomorrow and Ross will work again and I will have my life and peace back.
I will call you!!
Thank you!
E:

-----Mensaje original-----
De: Ivory cell
Para: Eliana Lopez
Asunto: RE:
Enviado: 2 Ene, 2012 09:47

Eliana, I called a couple of friends who aren't in the area for advice.

I will call our therapist today.

Are you home? I'd like to talk in person this morning if we can!

-----Original Message-----
From: [REDACTED]
Sent: Sunday, January 01, 2012 5:13 PM
To: Ivory cell
Subject:

Hello dear!!
It was so helpful to talk to you! Thank you so much! I feel better. I was talking with my dad as well, he is so smart and helped me to get in my center again.
Please, send me the inf from your therapist. Looks like Ross is doing research too.
I'm with Theo now.
Don't get too worried, the problems are there to face them and solve them not for feel sorry.
Love
Eliana.
Sent via BlackBerry by AT&T

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.1901 / Virus Database: 2109/4716 - Release Date: 01/01/12

Sent via BlackBerry by AT&T

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.1901 / Virus Database: 2109/4718 - Release Date: 01/02/12

EXHIBIT 84
[CD ON FILE]

EXHIBIT 85

Report Type: Supplemental

San Francisco Police Department
INCIDENT REPORT

120009457

120009457

Incident Number 120-009-457	Occurrence from Date/Time 1/13/12 16:45	Occurrence to Date/Time 1/13/12 16:45	Reported Date/Time 1/13/12 16:45	CAD Number
Type of Incident Varrant Arrest, Local SF Warrant -63010; Domestic Violence (secondary only) -15200				
Location of Occurrence 850 BRYANT St		At Intersection with/Premise type Government Premise		District B
Confidential Report? <input checked="" type="checkbox"/>	Arrest Made? <input checked="" type="checkbox"/>	Suspect Known? <input checked="" type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>
			Domestic Violence? <input checked="" type="checkbox"/>	(Type of Weapon Used) Reporting Unit 5W5
Location Sent				District
How Cleared? 6	Reported to Bureau	Name	Star	Date/ Time
			Elder Victim <input type="checkbox"/>	Gang Related? <input type="checkbox"/>
			Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>

OFFICIAL CREATION	I declare under penalty of perjury, this report of <u>2</u> pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.				
	PROP 115 CERTIFIED 5 YEAR/POST.		Signature: <i>Michael Becker</i>		
	Reporting Officer <i>Inst. Michael Becker 564</i>	Star 564	Station Domestic Violence	Watch 0800-1800	Date 1/13/12
	Reviewing Officer <i>Inst. Michael Becker 564</i>	STAR	Station Domestic Violence	Watch 0800-1800	Date 1/13/12
	OIC <i>Inst. Michael Becker 564</i>	STAR	Station DUK	Watch 8-18	Date 1/13/12
Related Case	Related Case	Re-Assigned to	Assigned to 5G200	Assigned by	
		Copies to	5G200 5W200	Add'l Copies	

RECORTEE	Code R	Name (Last, First Middle) SFPD # 427, # 564,	Alias		
	Day Phone	Type	Home Address	City	State
	Night Phone	Type	Work Address	City	State
	DOB / Age	DOB Unk. <input type="checkbox"/>	or age between: and	Race	Sex
				Height	Weight
				Hair Color	Eye Color
				ID Type	Jurisd. ID No.
Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES <input type="checkbox"/>	
			Statement YES <input type="checkbox"/>	Relationship to Subject	
School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language			

BOOKED	Code B-1	Name (Last, First Middle) MIRKARIMI, ROSS	ALIAS		
	Day Phone	Type Unknown	Home Address [REDACTED]	City SF	State CA
	Night Phone	Type	Work Address CITY HALL	City SF	State CA
	DOB Unknown <input type="checkbox"/>	Date of Birth	Age 50	or age between and	Race W
				Sex M	Height 6'01
				Weight 205	Hair Color BLK
				Eye Color BRO	
	SFNO	J/D# (if Juv.)	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number
	Book Section #1	Book Section #2	Book Section #3	Book Section #4	Book Section #5
	Warrant # 734611	Court #	Action # 480084M	Dept	Enroute to
			CWB Check	Star	
Warrant Violation(s) 273.5 (a) P.C., 273a(b) P.C., 136.1(b) P.C.	Bail \$35,000.00	Mirandized <input type="checkbox"/>	Star	Date	
			Time	Statement <input type="checkbox"/>	
Citation #	Violation(s)	Appear Date/Time	Location of Appearance		
Book/Cite Approval	Star	Mass Arrest Code	M X-Rays <input type="checkbox"/>	School (if Juvenile)	
				<input type="checkbox"/> CA Form Booked Copy Attached	
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos					

While working with Inspector Daniele# 427 on this investigation. It was arranged for B- Mirkarimi through his attorney Bob Waggener for B - Mirkarimi to surrender himself at county jail # 1. B - Mirkarimi arrived and was booked for the listed charges. B - Mirkarimi was served an Emergency Protective Order after his booking by Inspector Daniele # 427 and explained the conditions of the Emergency Protective Order. B was also told he needed to turn in his firearms in twenty four hours. B stated he had two firearms at home and stated the firearms were buried deep inside the house and sold a 357 caliber revolver long ago. B attorney Bob Waggener stated he would make arrangements to surrender the two firearms B had in his possession to Inspector Daniele #427 and me tomorrow and would phone when he his ready to meet with us. I asked B if he had a firearm on his person at this time B stated no he was not issued a firearm. I asked B if he had his own firearm on his person. B stated he did not and raised his suit coat at this time to show he did not have a firearm.

EXHIBIT 86

APPLICATION FOR EMERGENCY PROTECTIVE ORDER (CLETS)

EPO-001

(Name): IVORY MADISON CALIE WILLIAMS has provided the information in items 1-5.

LAW ENFORCEMENT CASE NUMBER:

120009457

1. PERSONS TO BE PROTECTED (insert names of all persons to be protected by this order):

ELIANA LOPEZ, THEO MIRKARIMI

PERSON TO BE RESTRAINED (name): ROSS MIRKARIMI

Sex: M F Ht. 160" Wt. 205 Hair color: BLK Eye color: BRN Race: W Age: _____ Date of birth: _____

3. The events that cause the protected person to fear immediate and present danger of domestic violence, child abuse, child abduction, elder or dependent adult abuse (other than solely financial abuse), or stalking are (give facts and dates; specify weapons):

SEE ATTACHED ADDENDUM

- 4. The person to be protected lives with the person to be restrained and requests an order that the restrained person move out immediately from the address in item 9.
- 5. a. The person to be protected has minor children in common with the person to be restrained, and a temporary custody order is requested because of the facts alleged in item 3. A custody order does does not exist.
- b. The person to be protected is a minor child in immediate danger of being abducted by the person to be restrained because of the facts alleged in item 3.
- 6. A child welfare worker or probation officer has advised the undersigned that a juvenile court petition has already been filed. will be filed. will NOT be filed.
- 7. Adult Protective Services has been notified.

8. Judicial officer (name): RICHARD KRAMER was contacted on (date): 1/13/12 at (time): 1530hrs

The judicial officer granted the Emergency Protective Order that follows.

By: Richard Daniele (PRINT NAME OF LAW ENFORCEMENT OFFICER) Richard Daniele (SIGNATURE OF LAW ENFORCEMENT OFFICER)

Agency: SFPD Telephone No.: 553-9099 Badge No.: 427

EMERGENCY PROTECTIVE ORDER (See reverse for Important notices.)

To restrained person (name): ROSS MIRKARIMI

- a. You must not contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, destroy any personal property of, disturb the peace of, or take any action to obtain the address or location of each person named in item 1.

b. You must stay away at least 150 yards from each person named in item 1. stay away at least 150 yards from move out immediately from

(address): _____

10. (Name): ELIANA LOPEZ is given temporary care and control of the following minor children of the parties (names and ages): THEO MIRKARIMI

11. Reasonable grounds for the issuance of this order exist and an emergency protective order is necessary to prevent the occurrence or recurrence of domestic violence, child abuse, child abduction, elder or dependent adult abuse, or stalking.

12. THIS EMERGENCY PROTECTIVE ORDER WILL EXPIRE AT 5:00 P.M. ON: 1/23/12

INSERT DATE OF FIFTH COURT DAY OR SEVENTH-CALENDAR DAY, WHICHEVER IS EARLIER; DO NOT COUNT DAY THE ORDER IS GRANTED.

13. To protected person: If you need protection for a longer period of time, you must request restraining orders at (court name and address):

PROOF OF SERVICE

14. Person served (name): Richard Daniele Ross Mirkarimi

15. I personally delivered copies to the person served as follows: Date: 1/13/12 Time: 17:48hrs

16. At the time of service I was at least 18 years of age and not a party to this cause. I am a California sheriff or marshal.

17. My name, address, and telephone number are (this does not have to be server's home telephone number or address): Sgt. Richard Daniele - 350 Bond St

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 1/13/12 (TYPE OR PRINT NAME OF SERVER) Richard Daniele (SIGNATURE OF SERVER)

Addendum to Application for Emergency Protective Order Question #3: The events that cause the protected person to fear immediate and present danger of domestic violence.

Additional grounds presented for Emergency Protective Order are:

The video was not available for the initial magistrate to view. This magistrate reviewed the video which shows the fear and emotion of victim. The video references a second domestic violence incident. The video references that Ross Mirkarimi has told the victim that he has a lot of power and he can take away her child.

A second witness was found who also spoke to the victim on January 3, 2012. This witness' statements corroborate the events of December 31, 2011 as told by the reportee. The second witness also corroborates a visible injury on the victim's arm which was characterized as a large bruise. The second witness also corroborates that there was a prior domestic violence incident in or about March 2011.

The reportee was interviewed a second time on January 11, 2011 and she provided additional details of the event on December 31, 2011. The victim told the reportee that Ross Mirkarimi told her not to talk to anyone and not to leave the house after the incident on December 31, 2011. On January 1, 2012, when Ross Mirkarimi was in the shower, the victim took this opportunity to leave her residence and go to the reportee's home where she proceeded to tell the reportee the domestic violence incident of December 31, 2011. In this second interview, the reportee also elaborated on the victim's fear of the impact the abuse is having on their young child. The child was present and witnessed the verbal and physical by Ross Mirkarimi.

With these additional facts of the continued power and control Ross Mirkarimi has over the victim and the impact of the violence on the young child, there is an urgency to break that control and the continued abuse with the issuance of an Emergency Protective Order.

R.P.Q. 427

EXHIBIT 87

Exhibit 87: Transcript of KGO-TV excerpt from 6/27/12 broadcast

Starting at 1:24

Dan Noyes: And now his defense team is stepping up criticism of next door neighbor Ivory Madison, who reported the incident to police against the wishes of Mirkarimi's wife.

David Waggoner: This is a comic book that was authored by Ivory Madison.

DN: Madison is a publisher and comic book author who calls The Huntress her feminist-mafia-noir graphic novel.

DW: Madison writes on the back "The line between justice and vengeance is a thin one." And one has to really begin to wonder, what's really happening here? You know, is this case really based on fact or is it based on fiction?