

# **EXHIBIT 78**

Member, Board of Supervisors  
District 5



BOS-11  
CA  
CDB  
c-page  
Deputy Directors - 3  
City and County of San Francisco

**ROSS MIRKARIMI**

January 8, 2012

Angela Calvillo,  
Clerk of the Board  
City and County of San Francisco

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 JAN -9 AM 8:32

Madame Clerk,

Pursuant to the November 8, 2011 election, effective today, January 8, 2012 at 12:00 noon, I resign from being a Member of the Board of Supervisors and have been sworn into the Office of Sheriff for the City and County of San Francisco.

Thank you

A handwritten signature in black ink, appearing to read "Ross Mirkarimi".

Ross Mirkarimi



ENDORSED  
0-0040160-00  
**FILED**  
San Francisco County Clerk

JAN 08, 2009

by: **MARIBEL JALDON**  
Deputy County Clerk

## OATH OF OFFICE

STATE OF CALIFORNIA

City and County of San Francisco

I, Ross Mirkarimi, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter and during such time as I hold the offices of Member of the Board of Supervisors and Member of the Transportation Authority of the City and County of San Francisco.

A handwritten signature in black ink, appearing to read "Ross Mirkarimi".

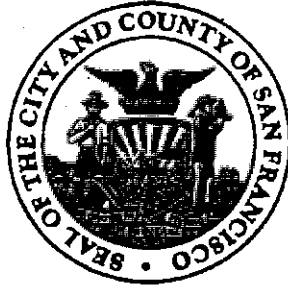
Ross Mirkarimi  
Term Expires: January 8, 2013

Subscribed and sworn to before me  
this 8th day of January 2009

A handwritten signature in black ink, appearing to read "James J. McBride".

James J. McBride, Presiding Judge, Superior Court  
City and County of San Francisco.

37947



ENDORSED  
FILED  
San Francisco County Clerk

SEP 26 2006

BY: [Signature]  
Deputy County Clerk  
M. LUCAS REBSTON

OATH OF OFFICE

State of California )  
City and County of San Francisco)

I, Ross Mirkarimi, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter and during such time as I hold the office of Member of San Francisco Local Agency Formation Commission.

[Signature]

Ross Mirkarimi  
Term Begins: September 22, 2006  
Term Expires: February 4, 2010

Subscribed and sworn to before me  
this 22<sup>nd</sup> day of September, 2006

[Signature]  
Gloria L. Young, Clerk of the Board  
San Francisco Board of Supervisors  
City and County of San Francisco



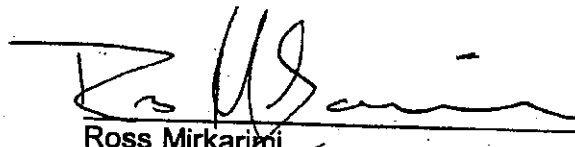
## OATH OF OFFICE

ENDORSED  
**FILED**  
San Francisco County Clerk

JAN 10, 2005  
by:   
JENNIFER VENEGAS  
Deputy County Clerk

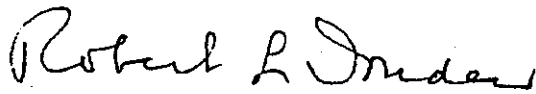
STATE OF CALIFORNIA )  
City and County of San Francisco )<sup>ss</sup>

I, Ross Mirkarimi, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter and during such time as I hold the office of Member of the Board of Supervisors and Transportation Authority of the City and County of San Francisco.



Ross Mirkarimi  
Term Expires: January 8, 2009

Subscribed and sworn to before me  
this 8<sup>th</sup> day of January 2005.



Robert Dondero, Judge, Superior Court  
City and County of San Francisco



ENDORSED  
**FILED**  
San Francisco County Clerk

FEB 04 2005  
by: *Jennifer Venegas*  
Deputy County Clerk

## OATH OF OFFICE

State of California )  
City and County of San Francisco)

I, Ross Mirkarimi, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter and during such time as I hold the office of Member of the Local Agency Formation Commission.

A handwritten signature in black ink, appearing to read "Ross Mirkarimi".

Ross Mirkarimi  
Term Begins: January 25, 2005  
Term Expires: February 2, 2006

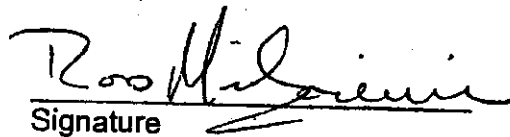
Subscribed and sworn to before me  
this 31<sup>th</sup> day of January, 2005

A handwritten signature in black ink, appearing to read "Gloria-L. Young".  
Gloria-L. Young, Clerk of the Board  
City and County of San Francisco

## Code of Conduct

1. In accepting the Oath of Office, Board of Supervisors, City Commissioners, City Task Force Members, City Department Heads and departmental staff, agree to maintain the highest standards of professional and personal conduct and to support the mission, goals and objectives of the City and County of San Francisco.
2. Board of Supervisors, City Commissioners, City Task Force Members, City Department Heads and departmental staff shall instill in the public a sense of confidence about their conduct and intentions. They shall uphold all laws and regulations and shall refrain from using their official positions to secure special advantage or benefit for themselves or others.
3. In order to set the highest standards of conduct, including the appearance of propriety in the operation of government, the Board of Supervisors, City Commissioners, City Task Force Members, City Department Heads and departmental staff commit themselves to encouraging and promoting integrity in government by example and by accountability.
4. All members of the public, colleagues and staff shall be treated with courtesy, respect, objectivity, and fairness. No one shall be willfully attacked, defamed, or slandered. Nor shall comments be made that are disparaging of one's age, ethnic background, gender, race, religion, sexual orientation or physical ability.
5. Those individuals who verbally abuse or physically threaten members of the general public, City officials or other staff members shall be discouraged, reprimanded and removed if need be from public meetings and City facilities.
6. Honesty in all matters and courtesy in all actions shall be the "watch words" of the City and County of San Francisco and all of its boards, commissions, committees, task forces, and departments.

I declare that I will uphold the Code of Conduct.

  
Signature

ROSS MIRKARIAN  
Printed Name

Date: 11-29-04

CERTIFIED COPY



0-0041659-00

FILED  
San Francisco County Clerk

JAN 09, 2012

By: KAREN T. HONG YEE  
Deputy County Clerk



OATH OF OFFICE



STATE OF CALIFORNIA  
City and County of San Francisco

S.S.

I, Ross Mirkarimi, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter and during such time as I hold the office of Sheriff for the City and County of San Francisco.

Ross Mirkarimi  
Term Begins: 12:00P.M. January 8, 2012.

Subscribed and sworn to before me  
this day, January 7, 2012.

Angela Calvillo, Clerk of the Board  
San Francisco Board of Supervisors  
City and County of San Francisco



# **EXHIBIT 79**

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

BEFORE THE HONORABLE SUSAN BREALL, JUDGE

DEPARTMENT NUMBER 24

---000---

PEOPLE OF THE STATE OF CALIFORNIA,	)	
	)	
PLAINTIFF,	)	COURT NO. 12001311
VS.	)	
	)	
ROSS BLAIRE MIRKARIMI,	)	
	)	
DEFENDANT.	)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JANUARY 19 AND 26, 2012

PLEASE NOTE GOVERNMENT CODE SECTION 69954(D):

"ANY COURT, PARTY, OR PERSON WHO HAS PURCHASED A TRANSCRIPT MAY, WITHOUT PAYING FURTHER FEE TO THE REPORTER, REPRODUCE A COPY OR PORTION THEREOF AS AN EXHIBIT PURSUANT TO COURT ORDER OR RULE, OR FOR INTERNAL USE, BUT *SHALL NOT OTHERWISE PROVIDE OR SELL A COPY OR* COPIES TO ANY OTHER PARTY OR PERSON."

REPORTED BY: NOREEN T. IKEUYE, CSR #3538

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APPEARANCES OF COUNSEL:

FOR PLAINTIFF:

GEORGE GASCON, DISTRICT ATTORNEY  
BY: ELIZABETH AGUILAR-TARCHI,  
ASSISTANT DISTRICT ATTORNEY

FOR DEFENDANT:

ROBERT WAGGENER, ATTORNEY AT LAW  
LIDIA STIGLICH, ATTORNEY AT LAW

ALSO PRESENT:

CHERYL WALLACE, ATTORNEY AT LAW

---000---

1 I AM ASSUMING THAT YOU WANT TO PULL TIME ON THIS CASE,  
2 MR. WAGGENER.

3 MR. WAGGENER: THAT'S CORRECT.

4 THE COURT: ALL RIGHT. SO THIS IS A NO-TIME WAIVER.

5 MS. AGUILAR-TARCHI: MAY I APPROACH WITH THE STAY AWAY  
6 ORDER?

7 THE COURT: YES.

8 MS. AGUILAR-TARCHI: THANK YOU.

9 THE COURT: AND WHILE YOU ARE APPROACHING, LET ME JUST SAY  
10 THE RECORD SHOULD REFLECT, THIS IS A NO-TIME WAIVER, THAT THE  
11 LAST DAY FOR TRIAL WOULD BE THE FORTY-FIFTH DAY. AND THAT WOULD  
12 BE MONDAY, MARCH 5TH.

13 I AM GOING TO ORDER THE SHERIFF TO APPEAR ON MONDAY, THAT'S  
14 JANUARY 23RD, AT 9:00 O'CLOCK IN DEPARTMENT 17, TO SET THIS  
15 MATTER FOR JURY TRIAL.

16 DID YOU MARK THAT THIS CAN BE MODIFIED BY THE FAMILY COURT  
17 FOR HIS VISITATION?

18 MR. WAGGENER: THERE IS NO FAMILY COURT ORDER.

19 MS. WALLACE: THERE IS NO FAMILY COURT INVOLVED.

20 THE COURT: NO. BUT YOU CAN GO THERE FOR MODIFICATION OF  
21 THIS ORDER, WHETHER THERE IS A CASE NOW OR NOT.

22 LET ME ASK SOMETHING ELSE. I UNDERSTAND, I COULD BE WRONG,  
23 THAT THERE ARE GUNS IN THE HOUSE.

24 MS. AGUILAR-TARCHI: I HAVE AN ORDER.

25 I HAVE A REQUEST ON THAT AFTER THE COURT DOES THE STAY AWAY  
26 ORDER.

27 THE COURT: ALL RIGHT. I AM WRITING -- TODAY'S IS THE 18TH,  
28 RIGHT?

1           **THE CLERK:** THE 19TH.

2           **THE COURT:** TODAY IS THE 19TH.

3           ALL RIGHT. I WANT TO ADDRESS THE GUNS BECAUSE, LIKE EVERY  
4 OTHER CASE, THE DEFENDANT, THE SHERIFF IN THIS CASE, IS NOT TO  
5 POSSESS ANY GUNS. AND IF THERE ARE GUNS, THEY NEED TO BE  
6 SURRENDERED.

7           **MS. AGUILAR-TARCHI:** THEY ARE, YOUR HONOR. HOWEVER, THE  
8 COURT -- THE PEOPLE, RATHER, ARE ASKING THE COURT SIGN AN ORDER,  
9 THAT THE PEOPLE HAVE PREPARED, REQUESTING THAT THE UNDERSHERIFF  
10 TRANSFER THE FIREARMS TO THE CUSTODY OF THE SAN FRANCISCO POLICE  
11 DEPARTMENT.

12           IT READS, "GOOD CAUSE APPEARING, IT IS HEREBY ORDERED, THAT  
13 UNDERSHERIFF J. DEMPSY COORDINATE THE TRANSFER OF THE FOLLOWING  
14 FIREARMS TO THE CUSTODY AND CONTROL OF THE SAN FRANCISCO POLICE  
15 DEPARTMENT, TO WIT, INSPECTOR RICHARD DANIELE, D A N I E L E,  
16 AND/OR INSPECTOR MIKE BECKER." AND THERE ARE THREE WEAPONS  
17 IDENTIFIED HERE.

18           THEY WERE TURNED IN TO THE SHERIFF'S DEPARTMENT FOR  
19 SAFEKEEPING. THEY MUST BE, IN ACCORDANCE WITH PROPER PROTOCOL,  
20 TRANSFERRED FROM THEIR CUSTODY TO THE CUSTODY OF THE S.F.P.D.

21           **THE COURT:** MISS AGUILAR-TARCHI, DID YOU DO WHAT YOUR OFFICE  
22 DOES IN EVERY CASE OF THIS TYPE?

23           DID YOU DO A DEPARTMENT OF JUSTICE CHECK ON WHAT REGISTERED  
24 GUNS THERE ARE?

25           **MS. AGUILAR-TARCHI:** YES, YOUR HONOR. THAT WAS DONE.

26           **THE COURT:** ALL RIGHT.

27           **MS. AGUILAR-TARCHI:** AND WE HAVE -- I CAN READ IT INTO THE  
28 RECORD, BUT THERE ARE THREE WEAPONS THAT WERE TURNED IN.

1 MAY I APPROACH?

2 THE COURT: SURE.

3 MR. WAGGENER: CAN I SPEAK TO THE ISSUE BEFORE WE -- ON THE  
4 ISSUE OF THIS ORDER?

5 THE COURT: WHICH ORDER?

6 MS. AGUILAR-TARCHI: THE ORDER I AM REQUESTING THE COURT TO  
7 SIGN.

8 MR. WAGGENER: THE PROPOSED ORDER TO THE TRANSFER OF THE  
9 FIREARMS.

10 THE COURT: SURE.

11 MR. WAGGENER: WHEN THE E.P.O WAS ISSUED LAST FRIDAY NIGHT  
12 AND --

13 THE COURT: ONE SECOND.

14 THE CLERK: THE WHOLE NAME IS ON THERE.

15 THE COURT: FOR THE RECORD, I AM CROSSING OUT THE LAST NAME,  
16 AND I AM INSERTING AN "L." INSTEAD ON THE STAY AWAY ORDER.

17 MR. WAGGENER: FIRST OF ALL, AS I INDICATED BEFORE, WE HAVE  
18 COMPLIED WITH EVERY ORDER, MR. MIRKARIMI HAS COMPLIED WITH EVERY  
19 ORDER.

20 THE COURT: WE ARE ON THE SUBJECT OF THE GUNS.

21 MR. WAGGENER: THIS IS WHAT HAPPENED.

22 LAST FRIDAY NIGHT WHEN MR. MIRKARIMI WAS ARRESTED, WE BOTH  
23 SPOKE TO -- MR. MIRKARIMI AND I -- SPOKE TO INSPECTOR DANIELE,  
24 WHO HAD A PRINTOUT SHOWING THAT MR. MIRKARIMI HAD THREE  
25 FIREARMS. THEY HAD TO BE SURRENDERED WITHIN 24 HOURS.

26 I PERSONALLY SURRENDERED THOSE FIREARMS THE NEXT DAY TO A  
27 CAPTAIN IN THE SHERIFF'S DEPARTMENT. THEY WERE SECURED, LOCKED  
28 UP, AND WERE GOING TO BE PUT IN A GUN LOCKER.

1 THAT IS WHERE THEY ARE.

2 THE COURT: OKAY. GREAT.

3 MS. AGUILAR-TARCHI: THAT IS --

4 THE COURT: NO, I DON'T HAVE TO SIGN THIS THEN. I WILL TAKE  
5 YOU AT WORD.

6 MR. WAGGENER: EXACTLY. THANK YOU.

7 MS. AGUILAR-TARCHI: YOUR HONOR, WE ACCEPTED AND WE HAVE  
8 DOCUMENTATION.

9 HOWEVER, THE POLICE DEPARTMENT, AS IT WOULD IN ANY CASE OF  
10 THIS NATURE, THE SURRENDER OF THE WEAPONS SHOULD NOT BE IN THE  
11 CUSTODY OF THE DEPARTMENT OF THE SHERIFF. BUT IT WAS AN  
12 EXCEPTION --

13 THE COURT: HE SAID OFFICER DANIELE, DIDN'T YOU?

14 MR. WAGGENER: NO, NO.

15 MS. AGUILAR-TARCHI: INSPECTOR DANIELE IS THE INSPECTOR.

16 HE HAS REQUESTED, THE SAN FRANCISCO POLICE DEPARTMENT HAS  
17 REQUESTED, THAT THOSE WEAPONS, WHICH ARE IN FACT PRESENTLY IN  
18 SAFEKEEPING BY THE SHERIFF'S DEPARTMENT, BE TRANSFERRED TO THE  
19 CUSTODY AND CONTROL OF THE S.F.P.D. IT'S PLAIN AND SIMPLE. IT  
20 SHOULD HAVE BEEN DONE. IT SHOULD HAVE -- THEY SHOULD HAVE BEEN  
21 TURNED IN TO S.F.P.D.

22 MR. WAGGENER: IT'S NOT A MATTER THAT IT SHOULD HAVE BEEN  
23 DONE BECAUSE IT DOESN'T SAY THAT.

24 AS LONG AS THEY ARE SURRENDERED. THEY WERE SURRENDERED.  
25 THEY ARE IN THE HANDS OF LAW ENFORCEMENT. THEY ARE IN A GUN  
26 LOCKER IN THE SHERIFF'S DEPARTMENT.

27 WHY DO WE HAVE TO GO THROUGH A TRANSFER --

28 THE COURT: ARE YOU OBJECTING? IS THERE ANY REASON YOU ARE

1 OBJECTING TO THIS?

2 **MR. WAGGENER:** YES. BECAUSE OF THE REPRESENTATIONS THAT  
3 WERE MADE IN TERMS OF -- AND THE INFERENCES IN TERMS OF A LACK  
4 OF COOPERATION, THAT THERE IS SOME DANGER IN TERMS OF FIREARMS  
5 BEING OUT THERE.

6 AND EVERYTHING WAS DONE THE WAY IT WAS SUPPOSED TO BE, AND  
7 THERE'S --

8 **THE COURT:** WELL, I THINK THAT FIREARMS ARE DANGEROUS. I  
9 THINK THAT JUSTICE KAY, WHO HAS WORKED LONG AND HARD ON ISSUES  
10 OF DOMESTIC VIOLENCE AND SURRENDERING OF FIREARMS, WOULD FEEL  
11 THE SAME WAY, AND HAS MADE SURE THAT WE ARE COMPLYING WITH THESE  
12 PROCEDURES IN EVERY OTHER -- IN SAN FRANCISCO AND EVERY OTHER  
13 COUNTY IN THE STATE.

14 AND I AM GOING TO SIGN THIS.

15 **MS. AGUILAR-TARCHI:** THANK YOU, YOUR HONOR.

16 **THE COURT:** OVER YOUR OBJECTION, MR. WAGGENER.

17 **MS. AGUILAR-TARCHI:** I WILL ASK MADAM CLERK TO CONFORM THE  
18 COPIES, AND THAT IS BEING DONE.

19 FOR THE RECORD, I AM SERVING THE DEFENDANT, THROUGH HIS  
20 ATTORNEY, WITH THE COPY OF THE COURT'S SIGNED PROTECTIVE ORDER.

21 **THE COURT:** ALL RIGHT. IS THERE ANYTHING ELSE?

22 **MR. WAGGENER:** YES.

23 **MS. AGUILAR-TARCHI:** YES.

24 **THE COURT:** ALL RIGHT. WE MIGHT HAVE TO TABLE IT UNTIL  
25 TOMORROW, BECAUSE MY STAFF HAS BEEN WORKING LONG AND HARD. WE  
26 HAD A HOMICIDE CASE THIS MORNING. WE HAVE BEEN WORKING.

27 WHAT ELSE?

28 **MR. WAGGENER:** WELL, IN TERMS OF THE SETTING ON THE 23RD,



1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN FRANCISCO )

3

4

5 I, NOREEN T. IKEUYE, OFFICIAL REPORTER FOR THE SUPERIOR  
6 COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO, DO HEREBY CERTIFY:

7 THAT I WAS PRESENT AT THE TIME OF THE ABOVE PROCEEDINGS;

8 THAT I TOOK DOWN IN MACHINE SHORTHAND NOTES ALL PROCEEDINGS  
9 HAD AND TESTIMONY GIVEN;

10 THAT I THEREAFTER TRANSCRIBED SAID SHORTHAND NOTES WITH THE  
11 AID OF A COMPUTER;

12 THAT THE ABOVE AND FOREGOING IS A FULL, TRUE, AND CORRECT  
13 TRANSCRIPTION OF SAID SHORTHAND NOTES, AND A FULL, TRUE AND  
14 CORRECT TRANSCRIPT OF ALL PROCEEDINGS HAD AND TESTIMONY TAKEN;

15 THAT I AM NOT A PARTY TO THE ACTION OR RELATED TO A PARTY  
16 OR COUNSEL;

17 THAT I HAVE NO FINANCIAL OR OTHER INTEREST IN THE OUTCOME  
18 OF THE ACTION.

19

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21 DATED: 3/16 2012

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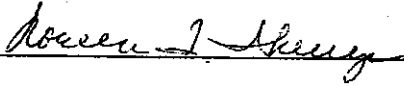
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NOREEN T. IKEUYE, CSR NO. 3538