



**FREE TOYS &  
RAFFLE PRIZES**

# CHRISTMAS AT THE FAIR



**FREE COATS  
& CLOTHING**



**FREE CARNIVAL  
GAME BOOTHS**



**FREE LUNCH**



**SANTA'S COMING TO THE FAIR**



**FREE STAR WARS  
PHOTO OPS**



**FREE PETTING  
ZOO/ PONY RIDES**



**FREE PRINCESS PAL  
PHOTO OPS**

**Place: CONTRA COSTA COUNTY  
FAIRGROUNDS  
1201 West 10<sup>th</sup> St.  
Antioch, CA 94509**

**Time: 12:00 p.m.-4:00 p.m.**

**Date: Saturday, 12.23.2017**



**FREE COSTUME  
CHARACTERS**

**THIS IS A FREE EVENT FOR THE LESS FORTUNATE FAMILIES OF CONTRA COSTA COUNTY**

**SPONSORED BY: LOVE A CHILD MISSIONS**



CONTRA COSTA COUNTY OFFICE OF THE SHERIFF  
DAVID O. LIVINGSTON  
SHERIFF - CORONER

December 6, 2017

Elijah Anthony Dominguez  
700 Alhambra Avenue #223  
Martinez, CA 94553

Dear Mr. Dominguez:

I have your completed form dated December 6, 2017 requesting certain documents pursuant to the Public Records Act. In your letter, you advise that you were detained and arrested by Contra Costa County Office of the Sheriff Deputies on September 15, 2016. Upon further review, we have found that you have an active criminal court case regarding this matter (Contra Costa County Superior Court Docket 1-179325-6.) We observe that your next court appearance is due on December 11, 2017.

Penal Code section 1054(e) provides that, "no discovery shall occur in criminal cases except as provided by this chapter..." (The limited exceptions set forth therein are not bearing on your request.) Government Code section 6254(k) specifically exempts from disclosure under the Public Records Act, "Records, the disclosure of which is exempted or prohibited pursuant to federal or state law."


"In criminal proceedings, under the reciprocal discovery provisions of section 1054 et seq., all court-ordered discovery is governed exclusively by – and *is barred except as provided by* – the discovery chapter...' (*In re Littlefield* (1993) 5 Cal.4th 122, 129 [19 Cal.Rptr.2d 248, 851 P.2d 42], italics added; see also *Sandeff v. Superior Court* (1993) 18 Cal.App.4th 672, 677 [22 Cal.Rptr.2d 261].)" *Hubbard v. Superior Court* (1997) 66 Cal.App.4th 1163 at 1167 (italics in original).

Elijah Anthony Dominguez  
November 6, 2017  
Page 2

Given the pendency of the criminal action, we cannot fulfill what is essentially a discovery request unless appropriately presented under the criminal discovery rules.

Sincerely,

**DAVID O. LIVINGSTON, SHERIFF**

A handwritten signature in cursive script that reads "Carlye M. Slover". The signature is fluid and includes a long, sweeping horizontal line at the end.

Carlye M. Slover  
Sheriff's Specialist

this letter is to inform you that the Martinez police officer failed to comply in persevering esi pursuant to amendments to the federal rules of civil procedure that has been approved by the United States Supreme court effective 12/01/06 and says you must identify all sources of esi you decline to produce and demonstrate to the court why such sources are not reasonably accessible for good cause shown the court may then order production of the electronic store information (ESI) pursuant to civil code of procedure Rule 34(a) and Rule 34(a)(1) also the Martinez police department has failed to provide a way for me to file a appeal on the freedom information pursuant to 28 CFR 513.66 An administrative appeal may be undertaken upon either, the denial of an initial FOIA request, or an agency's failure to issue a determination within the statutory 20-day time deadline. 5 U.S.C. §§ 552(a)(6)(A)(i), 552(a)(6)(C) An appeal should outline all facts which you think are relevant to your request. Reviewing courts, while not limited to the record before the agency (except for fee waivers, for which they are limited to review on the administrative record), do tend to consider what a reasonable agency decision maker would do when confronted with the facts before it. In other words, if you fail to mention an important fact at the administrative level, it will work against you when raising it at the litigation stage. This is a frequent problem we encounter which can severely limit one's options in court. An agency may unilaterally extend the response deadline by up to 10 working days in "unusual circumstances," but only upon giving written notice to the requester. 5 U.S.C. § 552(a)(6)(B)(i). This right may not be exercised if the agency has already exceeded its 10 day response deadline for the initial request. Id. FOIA requires any denial of a request to list the "names and titles or positions of each person responsible for the denial." 5 U.S.C. § 552(a)(6)(C). see Miscavige v. IRS, 2 F.3d 366, 367 (11th Cir. 1993); see also Summers v. Department of Justice, 140 F.3d 1077, 1080 (D.C. Cir. 1998) "An agency seeking to withhold information under an exemption to FOIA has the burden of proving that the information falls under the claimed exemption." GC Micro Corp. v. Defense Logistics Agency, 33 F.3d 1109, 1113 (9th Cir. 1994); see also Lewis v. IRS, 823 F.2d 375, 378 (9th Cir. 1987)

7017 1450 0001 7934 4322

**U.S. Postal Service<sup>TM</sup>**  
**CERTIFIED MAIL<sup>®</sup> RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)<sup>®</sup>

**MACONEZ CA 94033** **POSTAL USE**

Certified Mail Fee \$3.35

0087  
06

Extra Services & Fees (check box, add fee \$4.00 (signature))

☐ Return Receipt (hardcopy) \$4.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.19

12/18/2017

Total Postage and Fees \$4.54

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4<sup>®</sup>

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions