



REQUEST TO SPEAK (2-minute limit)

CITIZENS PARTICIPATION

There are opportunities for citizens to make comments or present information to the Board of Supervisors. ^{COMPLAINTS}

When you are recognized by the chair to speak, approach the lectern and give your name followed by comments.

Personal information is optional. This speaker card is part of the public record for this meeting.

After completing this form place it in the box near the podium.

**CONTRA COSTA COUNTY
Board of Supervisors**

Today's
Date:

Your Name: RALPH A. HERNANDEZ Representing: SELF
Address: ANTIOCH, CA. Phone or Email: (925) 565-9659

CIRCLE ONE:
General Public
Comment
or
Agenda Item #

SUBJECT MATTER TO BE PRESENTED:
PUBLIC COMMENTS AND SUBMISSION OF 2
COMPLAINTS (9 PAGES) AS PART OF THE PUBLIC
RECORD, FOR 9-7-21 PUBLIC MEETING.

*I do not want to speak but would like to leave comments for the Board to consider (Use the back of this form)



Please write comment here if you wish not to speak.

I AM FILING THIS 9 PAGES, PLUS ATTACHED 2 SIDED
LEGAL SIZED RELATED (COMPLINT #2) COMMENTS FOR
THE PUBLIC RECORD, FOR THE 9-7-21 BOARD MTNG.

IT ADDRESSES MY COMPLAINTS (2 SEPARATE) AGAINST
THE DISTRICT ATTORNEY'S OFFICE AND THE PUBLIC
DEFENDER'S OFFICE QUESTIONED SERVICES - AS
OUTLINED IN THE DOCUMENTS SUBMITTED HERE.
THE DOCUMENTS ARE INCLUDED FOR THE PUBLIC
RECORD ALSO.

R. Hernandez

I NEED YOUR HELP

Antioch Police Officers' Crimes, Including Murder(s)

Before I set out below some brief portions of the reported cases and crimes I hereby say that I believe over 90% of Antioch's sworn Officers were **not** criminally involved with the criminal 'gang' of Antioch Detectives/Officers. It's my strong opinion and belief that the 'gang' of Officers operated purposely without the other Officers being criminally involved. I continue to support those uninvolved, honest, hardworking, and dedicated Officers! Unfortunately the 'gang' of Detectives/Officers have jeopardized the other Officers' lives, as noted nationally retaliatory violent acts do occur against innocent uninvolved Officers because of other bad Cops' actions.

Here are some of the reported, suspected and/or determined crimes involved committed by the 'gang' of Antioch Detectives/Officers;

- * Various cash money amounts taken from Victims has reportedly been stolen by the Police 'gang' of Detectives/Officers.
- * Other Victims have had large amounts of cash seized by the 'gang' Antioch Cops, who reported less as being seized, and reportedly suspected of keeping the rest for themselves (keeping up to a reported \$40,000 in one case alone)!
- * It was reported to me that some of those Victims shaken-down and stolen from have never been charged in regards to the items kept by the 'gang' Officers, and their property was never returned to them or accounted for.
- * Other Victims had their cash, drugs, jewelry, cell phones, etc., illegally seized from them during legal and illegal stops and/or raids.
- * The 'gang' of Officers also reportedly committed armed home and business invasion Robberies, taking cash, jewelry, property, etc., with various values (one case reported involved over \$60,000 alone in cash and expensive jewelry).
- * The 'gang' of Detectives/Officers also cuffed up some Victims (one a pregnant female) and held other Victims for long periods of time, during their illegal search for Victims' valuable property and believed to have been stolen for themselves.
- * The Cops' activities, some recorded in surveillance video recordings, amounted to their corroborated crimes of Burglaries, False Imprisonments, Kidnaping, violation of Private, Civil, and Constitutional Rights, illegal searches and arrests, etc.
- * In another raid case the Police also turned away/off or disabled the Victim's surveillance video camera(s) early on in their investigation (as reportedly done in yet another previous case). Obviously to prevent evidence of their planned questionable activities being recorded.
- * Victims were also intimidated and threatened with other forms of retaliation consequences if the Victims didn't submit to their illegal demands for cooperation, to include threatening to take their children from them.
- * Some of the 'gang' Officers intimidating, threatening, Assaulting and Battering, etc., crimes were detailed and reported by Victims.
- * One of those Victims was reportedly victimized on 5 - 6 separate dates, one actually having a Police K9 sicced on him for about 5 minutes of vicious mauling, while the other on-looking 'gang' Officers laughed, and also severely battering the unarmed defenseless Victim to the point of being hospitalized for 6 days and requiring 2 separate surgeries. He also reported over \$3,000 cash stolen during a questioned APD raid at his parents' home, and thereafter the Burglary of his storage Unit where thousands of dollars of various items were stolen (his storage unit's keys at the time were possessed by the involved APD 'gang' Police).
- * Terrorism, Brutality, Perjury in Court process testimony, Perjury in presented legal Court Documents, Grand Thefts, etc., done by those 'gang' of APD Cops also were reported.
- * Reported and suspected planting and attributing a firearm to an individual victimized.
- * The 'gang' Detectives/Officers sometimes worked with the (later admitted and convicted) Felons CCCNET's Commander Norman Wielsch and Agent Louis Lombardi (who used Felon P.I. Chris Butler as their 'expert' on some drug case(s)).
- * Another Victim reported that another Victim had his computerized program business equipment valued at over \$100,000 worth therein that was also seized by the bad Cops. It reportedly has yet to be returned to him to date.
- * Coincidentally the common thread in some of those cases is/was the subject of 'gang' APD Detectives'/Officers' girlfriends, obvious jealousies, short time frames involved, claiming their having alleged Confidential Reliable Informants (CRI), unlawfulness, retaliations (physical and questioned formal use of legal processes), requested excessive bail imposed, persecution and prosecutions, etc.!

And the then Antioch Police Captain, then Chief - Allan Cantando is believed to not have done his duty/job or carry out his responsibilities of protecting the public from those involved Detectives/Officers! That included Felonious misconduct by his Detectives/Officers. He instead bad-mouthed and 'shot the messenger' whistle blower (me), I had submitted detailed reports of various Felonious criminal acts by some of his 'gang' Officers. It is my opinion and belief that he was obviously interested only in covering up/running interference for them and did little, if anything (disclosed), to investigate what they reportedly did. He reportedly didn't even contact and interview those persons Victimized or the Witnesses. But, he thereafter did promote some of the involved Detectives/Officers to higher ranks and even praised their job performances afterwards! Some of those involved 'gang' Officers have since retired with higher pensions and benefits, which later included Chief Allan Cantando himself, without being held accountable.

The 'gang' Antioch Detectives involved later apparently carried out his/their form of revenge and retaliation on another unarmed Victim afterwards and Murdered him, the suspected reason will be explained below. And, the Detective(s) was/were involved in another questioned killing of another civilian shortly after that.

During my early investigations I saw that the criminality by the Detectives/Officers was escalating to more serious crimes. I'd alerted, documented, and predicted in one of my lengthy reports, which then Chief Allan Cantando got a copy of, that their activities could cause more harm and even deaths to more Victims if the 'gang' Detectives'/Officers' activities weren't stopped. Chief Allan Cantando however seems to have allowed it to continue and is believed to have therefore become an Accessory to their crimes. He chose instead to misdirect any considered outside investigations by saying that I was just trying to "dirty" his Officers. They were already "dirty" by their own reported criminality! This is why Chief/Department/City/D.A.'s joint investigations do **NOT** work for the public's good or Justice!

I was also told about a group of the 'gang' Antioch Detectives/Officers who for years would go into certain community of color and low income neighborhoods (such as the Sycamore Dr./Wm. Reed Dr., Lemontree Way/Ct., Peppertree, Mahogany Way, Manzanita Way, Banyan Way, etc.) consisting of primarily Black and low income renting residents, and unlawfully terrorize, oppress, and shake-down those they decided to victimize. (The Contra Loma Estates area was one where reportedly two plainclothes APD Officers loaded up into their trunk, transported, and hid a reported dead male body elsewhere nearby). The 'gang' Detectives/Officers reportedly would jump out of their unmarked cars/vans/truck and without cause pick on whoever they could and then shake them down for whatever they possessed (money, drugs, jewelry, etc.,) and just steal those things for themselves. Those they victimized in that manner the 'gang' Detectives/Officers would not arrest, even if they held illegal drugs or valuable goods and would just let them go. The Cops' stolen things would never be seen again or be accounted for by the Police. They were referred to and known as the "Jump Out Boys", the "J Team", and the "River Rats" by the area's visitors and residents.

During one of the criminal trials of one Victimized Defendant, questionably being prosecuted, I witnessed Antioch's Detective Steven Aiello, to have given suspected known false testimony concerning material matters. This even though the physical evidence, and video surveillance camera's evidence, contradicted what he was claiming. Detective Aiello's testimony was witnessed also by the Judge, Jury members, and other Witnesses in the courtroom. I then filed a complaint with the D.A.'s Office and with the then Chief Cantando and outlined the supporting video evidence, background, etc., that Aiello had committed suspected Perjury (P.C. Section 118(a)) in the trial proceedings. Well, this was another case where any semblance of Departmental and D.A.'s investigation transparency and accountability was greatly delayed and ultimately dropped. Detective Aiello was thereafter promoted and is currently the APOA's President.

Murder(s) By Some Antioch Police Officers

One of the 'gang' Antioch Detectives was reported to have been property-victimized by 3 criminal thieves. Then the joint 'hunt' and search for the thieves began by some APD Officers. One of the thieves also reportedly saw 2 APD Officers loading up and transporting a dead body into their car and dumping it hidden about a 1/4 mile away. The Officers reportedly saw him witnessing such from a distance. That same thief riding his bike one evening was located and a 'gang' Officer attempted to run him over with his car, but the thief luckily escaped more serious injury or even death via a cement barrier preventing the car from further getting to him. Nevertheless the Victim-thief suffered some injuries as a result of the attempt on his life. Shortly thereafter that Victim-thief was again located and was repeatedly shot dead by several Antioch Officers, one of whom reportedly previously had the dead body loaded, transported, and dumped nearby beforehand. That Victim-thief told family and friends early on that he knew and predicted he'd be killed by Antioch Police in retaliation for seeing what they did and for

previously property-stealing from one of their own Detectives!

Then a second Victim-thief (unarmed) was located casually driving a vehicle in Antioch, was followed by two undercover Antioch Detectives for about 10 minutes, was then intercepted by the 2 Detectives, and was quickly shot multiple times from behind until dead! Those Detectives' version of events was contradicted by several on-scene Eye Witnesses who were present very near the shooting scene. At the Coroner's Inquest the Detectives' versions of the events was not what the Eye Witnesses had reported to me. Based upon a number of related matters it is my opinion and belief that the Detectives actually Murdered the Victim-thief in retaliation for having property Victimized one of their Detectives beforehand. That Victim-thief also had told family and friends early on that he knew and predicted that he would be killed by the Antioch Police in retaliation for previously stealing from one of their own Detectives!

I later recovered some of the Detective's reported stolen property from the two Victim-thieves' families, who admitted to being given those items by their related family member thieves. This they admitted and produced even against their own personal interests and legal liabilities. Some of the other stolen property also had been previously sold, and some other stolen items were shared with the Victim-thieves' other friends. The third property thief fortunately escaped being reached by the searching/hunting Antioch Officers because he was in County Jail and not due out for months. Once he served his time, for other matters, he fled the area and hid out for a long time. He hasn't denied being involved with the other two, nor denied previously property-victimizing an Antioch Detective.

Antioch Police's Reported Crimes And Murder(s)

It is my experienced opinion and belief (throughout this information) that some of Antioch Police Department's (APD) Officers formed an unofficial on duty 'gang' of sworn Detectives/Officers (about 6 or more) that over the years were reported and found to have committed various serious crimes and even Murder(s) of its citizenry! Those reported and suspected crimes include; Armed Home Invasion Robberies and videotaped Armed Business Invasion Robbery, Burglaries, False Imprisonments, Kidnaping, Assault and Battery, Grand Thefts, shake downs of and for Victims' money, drugs, and electronics, violations of personal Civil Rights and Constitutional Rights, illegal Searches and Seizures, Perjury, personal retaliations, suspected Murder(s), etc. The Police Administration was told about many such suspicions but did little if anything about it, mostly under the then Police Chief Allan Cantando. As early as 2011 he knew about such and instead of doing something about it, or thoroughly investigating it, he instead accused me of just trying to "dirty" his Officers. The lengthy investigations' report(s) that I wrote, which he was provided, included several of my warnings and predictions that more serious injuries and/or even deaths could occur by the identified Officers if they weren't stopped. Afterwards some of the 'gang' Officers were publicly praised, and some were later promoted by Chief Cantando!

Within a year's time thereafter, in 2 separate incidents, some of the 'gang' Officers brutally shot and killed 2 individuals, for which none of the Detectives/Officers were held accountable for. The CCC D.A.'s Office (D.A.'s) also was informed in writing by me in March 2011 regarding the APD's 'gang' suspected criminal activities, plus the same documented warnings and predictions that APD was informed about. The D.A.'s Office also is not known to have pursued my complaints, disclosures, and warnings filed with them, or even charged any of the APD 'gang' Detectives/Officers identified and involved in the reported crimes!

I thoroughly investigated one of the APD 'gang' violent shooting deaths of an unarmed and defenseless seated driver citizen, which I believe was in reality a Murder by the 2 involved 'gang' Detectives! As a result of my investigation I learned about the other Victim who was shot months before and killed by several APD Officers, at least one a reported APD 'gang' member, under very suspicious claimed circumstances. That 'gang' Officer was reported as previously being involved with another in the possible death (Murder?) of another unidentified individual, with the assistance of another 'gang' APD Officer, reportedly witnessed by one of the 2 persons shortly thereafter shot and killed. Each of the known and identified Victims had told family and friends that they feared for their lives, were being "hunted" for by some APD Officers, and predicted that they would be killed by APD Officers in retaliation also for property-victimizing one of the 'gang' Detectives beforehand. Their prior stated fears and predictions came true shortly afterwards!

Recently I again attempted to see that Justice would be carried out. I briefly informed City Council Members Lamar Thorpe and Monica Wilson, and the current City Manager, requesting a Closed Session appearance in order to fully inform the full Council, Manager, and City Attorney. Instead that proposed meeting was denied by the City Manager and instead the matter was reportedly to be referred to the D.A.'s Office, with my request that a Criminal Grand Jury be empaneled so that they could address the entire matters, the APD 'gang' Murder(s) included. I was already beforehand referred to the D.A.'s Office's Criminal Grand Jury coordinator, and I had and have already provided to him the requested detailed reports, documentation, names of Victims and Witnesses, signed and dated Declarations, and other related information and evidence investigated and gathered by me.

Transparency and accountability? From the City Council, the Police Administrations, City Managers, the D.A.'s Office? **Nope!** Not over the years, and not now! "Sweeping under the carpet" and coverups are the norm when it involves Police misconduct and crimes.

A criminal Grand Jury needs to be empaneled concerning these matters, especially the Murder(s). And those who had/have enabled and protected them from responsibility and prosecution must also be thoroughly looked at as criminal Accessories (under Ca. Penal Code Section 32)! The Murdering Cops' and the other criminal Cops' criminal acts and misconduct cannot just be ignored without some warranted legal accountability. Murder alone has NO statute of time limitations! Society requires Justice! Antioch's City Council also must back up a Criminal Grand Jury investigation. It's time to do so! Call and demand it from City Hall, phone #(925) 779-7000.

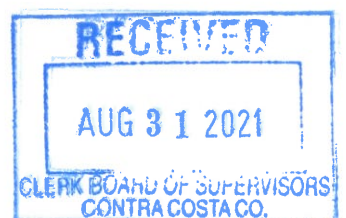
It now appears that, once again, as before, the D.A.'s Office is potentially gearing up to just delaying it and perhaps 'kissing it off' without empaneling a Criminal Grand Jury in such suspected and reported serious crimes and Murder(s) by Antioch's Police! The D.A.'s Office, and APD, are historically known for essentially doing little or nothing when the responsables are sworn Law Enforcement Detectives/Officers. But, they sure as heck use their full power authorities to quickly investigate, pursue, and prosecute the regular citizenry for even matters concerning very minor crimes! It may very well be that the current D.A. Diana Becton's "Mission" statement about carrying out "Justice" for the public may otherwise only be political hyperbole/B.S. Call her (office phone #(925) 957-2200), demand that she do the right things in all of it. It's her employed and elected responsibility, duty, and job! She supposedly works for us!

Or, you can complain to the local East Bay/Contra Costa Times newspaper #(925) 943-8241, #(925) 977-8430, and #(925) 935-2525.

I need your help in these matters and in identifying the unknown reported person who reportedly was dead, placed into the trunk of a car operated by two Antioch Officers, then transported by the Officers to a nearby Park area, and the body was then taken out of the trunk and hidden there (reportedly witnessed by a nearby Victim citizen). It was said to be in 2011. If you or someone else knows who it may be, or were also Victimized by the Antioch Police in similar ways, please contact me, or send me the information (anonymously even) to my mailing address. Nevertheless the Police must be held accountable, not covered up for or protected from the law's Justice!

Ralph A. Hernandez
Private Investigator & Consultant (17 years),
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August 17, 2021

TO: CCC Board of Supervisors (John M. Gioia, Candace Anderson, Diane Burgis, Karen Mitchoff and Federal D. Glover) c/o Clerk of the Board

FROM: Ralph A. Hernandez, Private Investigator & Consultant

RE: Two (2) Complaints concerning the CCC D.A.'s Office and the CCC Public Defender Office's dereliction of its duties, its responsibilities, and their lack of its expected honest and unbiased public services

Duties and Responsibilities - As defined by General Law, the duties of the Board of Supervisors include: "Supervising the operations of departments and exercising executive and administrative authority through the County government and County Administrator" And,"supervises the official conduct of county officers and employees.... the Board has general supervisory authority over the district attorney to the extent that the district attorney functions as a county officer"

You yourselves each have a higher duty and responsibility, and that is to see and seek Justice from those County Departments and its County employees therein in their compensated expected services to the public! Justice is never served if an innocent person is wrongly accused, tried and convicted, such as Scott Dyleski was (I am of the opinion and belief), and where the Murder Victim - Pamela Vitale never truly got Justice (briefly set out in complaint #1 below)! It also applies in the below related and reported separate suspected Murders (complaint #2 below) by some of the Antioch Police Detectives/Officers, plus additional repeated serious criminal misconducts by them - previously reported and identified to the D.A.'s Office and Public Defender's Office, whom we expect to be honest and wise! Their integrity and impartiality are the expected leadership of our legal and judicial system. And, with the public's trust to protect their rights, and to see that the orderly and efficient flow of justice is carried out with competence and integrity!

Many problems are caused by incompetence, and also by clever smoke screens. The initial Defense Attorneys were lacking in a far better Defense of their client. Many a case also may have one of those cocksure Prosecutors who for some undisclosed reasons decides who the bad guy is, then picks and chooses the evidence, discarding anything that doesn't fit his/her theory - which tramples upon real Justice. The Jury was the proper body to decide its relevance, and I believe not by any theatrical styled Attorney.

Do any of you have any idea what its like to sit in a cell all day and for years? It is my opinion and belief that someone doesn't want Scott's innocence potentially proven and made public, and it's not going to be unless you insist that they have to reopen his case, and to honestly and completely pore through their past flawed investigations. You have to insist on their making sure that the system of justice works the way it is supposed to! It is more important than not. In Scott Dyleski's case any Officer Affiant's failure to inform the issuing Judge of the misinformation and veracity of the information within the Affidavit(s) rendered the Warrant(s) invalid at the time of execution. When new facts come to light the Officers and Prosecutor have an obligation to inform the issuing magistrate of the change in circumstances, before the Warrant is executed. It could have changed the Magistrate's mind as to their claimed probable cause.

In the case complaint #2, as of at least Dec. 1, 2020, the initial Deputy D.A. involved was Jason Peck, who at a later point claimed to have an unidentified "personal conflict" in the matter(s), and ultimately it was referred to and transferred to the D.A.'s Investigation Unit - assigned to Asst. Chief Inspector Arnold Threats (who I last spoke to and heard from in mid April 2021). He said that he was still looking into it, which I add and point out the D.A.'s Office has had my initial APD cases' complaints for over ten (10) years now! I have been informed over the years by both Victims and Witnesses that not one of them, or known of, has ever been contacted or asked about the criminal victimizing of them, and/or the criminal matters involved reported and filed complaints by me to both the D.A.'s Office and the Public Defender's Office starting as early as March 2011, and thereafter.

My then warnings were obviously ignored and within the year thereafter it resulted in at least two (2) separate deaths/Murders at the hands of the Antioch Detectives/Officers that I had identified as committing various serious and Felony crimes. FYI - There is no statute of limitations concerning Murder cases being criminally pursued! Those involved are scum and should never have been allowed to continue as Detectives/Officers! That brings to mind my strong opinion and belief that those who essentially protected and concealed, aided from prosecution, ignored, covered up, etc., who were reported to and informed about those serious crimes, may in fact therefore themselves have/had become/become felonious "Accessories After The Fact" under the law (Ca. Penal Section 32). It is my opinion and belief that an Accessory is just as guilty as the Murderer(s)!

All District Attorneys and Deputy District Attorneys are "Officers of the Court" and are bound by ethical rules. They have an absolute duty to disclose potential exculpatory evidence they are made aware of and know of, and/or have in their possession, and of Officers' reported misconduct (Brady material) to the Defense. They have a higher duty to the Court. They cannot keep crucial information and/or evidence from the Defense, as is believed to have/has been over the years in the reported APD criminal misconduct matters. The suspected 'Brady Rule' prosecutorial misconduct(s) violations are believed to have occurred over the years, to the detriment of various accused and their Defenses, which may (ultimately) further come back against the County once the facts are discovered by the various Defendants and Defense Attorneys involved in various cases where those same APD Officers/Detectives were involved! Those matters may soon come before you also, and then you will also have to deal with the related liabilities involved that should not have occurred over the years! Those suspected numerous 'Brady Rules' prosecutorial violations matters may very well confront your body also at a near future time! The truth of it all ultimately will be yours to have to deal with, as with these two (2) current complaints!

The following is a brief summary of my two (2) cases' Complaint(s) before you concerning the lack of timely resolutions and communications by the CCC D.A.'s Office, and appropriate services to the public, as well as from the non responsive and lack of resolutions from the CCC Public Defender's Office, regarding;

#1 - The mid October 2005 Pamela Vitale Murder case written complaint that I previously initially brought to your attention for your assistance in September 2019 (part of the then record also), included my related personal appearance's spoken Public Comments. The matters were shortly thereafter formally submitted by me to the CCC D.A.'s Office, via their "Conviction Integrity Unit" and via its supervisor Deputy D.A. Brian Feinberg, as your Board Supervisor John M. Gioia had recommended I do, with your then uncontested Board Members' consent, between mid September 2019 and thru early February 2020. It has been almost 2 years (23 months) now since I first brought the serious matter to your and the D.A.'s and Public Defender Office's attention.

The D.A.'s "Conviction Integrity Unit" supervisor Deputy D.A. Brian Feinberg has no longer responded, nor returned my telephone calls, when I have inquired as to the case status, etc. Is this then the way the District Attorney's Office will again just do nothing? Scott Dyleski continues to unjustly suffer and his liberty/freedom is continuing to be deprived by the D.A. Office's ignoring the evidence and facts set out as to his innocence from the start almost 16 years ago! You should all hold your heads as low as you can and be ashamed for what has

happened because of your employee charges' suspected ignoring it and suspected employment duties failures!

It only took the D.A.'s Office ten (10) months to questionably - focus on, arrest, investigate, charge, have convicted, and imprison the then juvenile Scott Dyleski, who it is my strong opinion and belief is innocent. It is now almost sixteen (16) years (about 191 months and counting) that he has been, and continues to be incarcerated in State Prison for crimes that I really believe he did not commit, for various significant and evidentiary reasons. The County's also obvious various liabilities therefore continues to increase as time continues to add up without, in my opinion and belief, rational reasoning or justification. It will not go away just by ignoring the great possibility and substantial evidence involved, nor by the D.A. Office's seemingly hoping that it will just go away! The suspected purposeful delay will just cause more severe liabilities to the County once the cases' exposure commences! Each of you will also then have to answer to the public!

During the Jury trial testimonies of some of the Investigators' testimony they used the terms "generally" "probably" "similar" "or another shoe", etc. Their vague and non-concrete speculative statements were unjust to the Defendant and nevertheless were unfair to have the inexperienced civilian Jury to be exposed to such vague and ambiguous testimony concerning alleged evidence to support the Prosecution's theories, which it seems were cherry-picked as to the evidence and what was presented. And, Coroner's Inquests are well known one-sided law enforcement favoring presentations to truly uninformed lay persons, and without the other side's input. It is in reality a public 'dog and pony show' and complete farce, and injustice if one were to really consider how those hearings are held and by whom!

And with all of the Prosecution's experts did they concretely find and determine that Scott truly was the responsible, versus any other possible individual(s)? **No!** Even their own testimony and speculations could not concretely say that Scott was the responsible! And there was no clear and convincing evidence/proof that Scott was the responsible! It was speculative at best. The "yardstick" used concerning Scott's suspected and alleged involvement was obviously not the same "yardstick" that was used for Dan Horowitz, or any others, etc., who were very quickly disregarded as possible suspects and possible responsables. Scott's "yardstick" used was from the outset greatly unequal and questionable. And, the experienced-in-courts Prosecutor's questioned Court conduct, I believe, created unjust and undue passion that inflamed the Jury against Scott Dyleski.

Let's review just **some** of the facts, evidence, and crucial time lines of the case #1;

* The Search Warrant Affidavit authored by the Officer/Investigator Affiant contained suspected material misinformation which also was relied upon in the preliminary stages/days in order to and was presented to a CCC Superior Court Judge, who then authorized the involved Search Warrant to be executed in the matter.

* The alleged facts that are recited in any Search and Arrest Warrants' applications, Affidavits, Probable Cause Statements, Search Warrant Returns, etc., ***must all be true!*** This clearly is pointed out coincidentally within the CCC D.A.'s very own SW/AW training and its 400+ pages training manual (which I was instructed in and trained with also by the D.A.'s Office in the past).

* The Affiant's SW application and Affidavit appear to have some misleading untruths/falsehoods and brings into question Affiant's credibility, as well as the reviewing, charging, and the Prosecutor's decision making!

** I believe and am of the opinion that the Prosecutor didn't exercise good and fair independent judgment in filing the complaint, who acted and should have known the Officer(s)'s presented some information and accusations obviously was/were materially misleadingly false!

** The Affidavit, I believe, was insufficient on facts and it contained some misleading and suspected false alleged material facts!

** The Affidavit, I believe, was available to the Prosecutor and as an alleged experienced independent reader/reviewer of such for charging decisions and considerations, he should have read and determined if the Affiant was merely falsely "loading" his claims and information to the Judge in order to get the Search Warrant

and arrest approved.

* It is a fact that at least two (2) separate Search Warrant applications were separately submitted by the Law Enforcement Affiants involved and there appears to have some misleading and false material claims contained therein that should have been disclosed to the reviewing Judge(s), as well as by the prosecution to the Jury!

* Pamela Vitale was the wife of Daniel Horowitz when she was murdered.

* Pamela's then early morning activities included her starting up her laptop computer within her home starting at 7:49 AM, and her computer recorded activities were determined to be her usual Internet searches that she favored, thru 10:12 AM.

* Pamela's continued Internet searches ceased at 10:12 AM (which the Prosecution presented) was her last time of day and was determined and claimed by the Prosecution to be when she was thereafter interrupted, attacked, and killed in her home (Prelim transcript page 6).

* Scott Dyleski was noted to be home elsewhere prior to that, by at least 9:26 AM (unknown when he had actually returned home from his reported neighborhood walk), via his mother's landlord Fred Curiel's time check (one of several) with his pager's clock.

* The time of 10:12 AM was again established, and testified about at the Jury Trial on 8-2-06 (CCC Sup. Ct. case #060254-0), via the digital Computer Forensics examination of Pamela's computer (identified Item V3) conducted by Kyle Ritter, then an Alameda County D.A.'s Inspector, at the request of Phil Venable, after receiving the evidence computers on 10-19-05.

* Scott Dyleski's physical presence at his residence, beginning at least by 9:26 AM, was noted and reported to continue until at least about 2:00 PM, when he then was picked up by his girlfriend and transported to his girlfriend's home elsewhere. That solid fact and alibi favoring Scott's innocence was obviously also disregarded by the prosecution.

*** Scott Dyleski therefore could not have made contact with the Victim, nor been involved in Pamela's Murder, and is additionally significant exculpatory evidence and additional proof of his innocence!**

*** Someone else was therefore the responsible,** and was possibly aided and abetted by another person.

* Once Scott Dyleski was focused on, for his then prior recent unrelated suspected credit card fraud, there seemed to be no others considered as the possible responsible(s) in Pamela Vitale's Murder, instead of Scott.

* Scott's clothing worn by him, after his walk and return home by at least 9:26 AM that day, were noted by his co-residents as having no blood like or related damage evidence on them.

* Even the CCC Investigator Taflya testified that the assailant would have gotten a fair amount of blood on him during the course of the related murderous struggle, but Scott Dyleski did **NOT** have any on his person or clothing when he returned home prior to or just at about 9:26 AM the day of the following Murder! That also is another reason that Scott's claims of uninvolved and innocence should have been seriously considered, excluding him from even involvement in or having committed the crime against the Victim - Pamela Vitale. That is but more exculpatory information and evidence favoring his innocence!

* And Scott was not seen to be in possession of or wearing any kind of head cover/"mask", like a cap or hat, nor any kind of hand covering, such as gloves!

* Scott's demeanor (when he returned home from his walk) was reported as his usual pleasant and friendly self, with no noted alarm, no panic, no anger, no suspiciousness, no crying, no rage, no sweating, etc.

* The time that Scott was seen in his own residence (at 9:26 AM) with his mother's landlord Kim Curiel tending to him was by Fred Curiel, who told the Investigator he used his pager's clock as his times check piece when initially questioned on 10-19-05, and it was before anything came up concerning any related times that were later developed by Forensics computer(s) examinations (which also disputes any questions as to Fred Curiel trying to cover up for Scott). Fred Curiel admits that the Prosecution confused him when testifying during the Jury Trial, but reiterated to me thereafter that he saw Scott in his home with his wife in their living room by 9:26 AM.

* Scott had some minor injuries to his nose or face, consistent with his claimed getting hit by a bush when he had earlier slipped and fallen down in an embankment in his search for a previously reported potential waterfall.

* It does not appear that it was checked out by the Investigators or D.A.'s Office, another lack of a proper and complete investigation that could've proven and supported Scott's innocence!

- * Scott's later noted minor injuries to his upper body, seen by the County Crime Lab's Investigator, are also consistent with Scott's claims of when he had earlier fell down in an embankment in his search for a reported waterfall.
- * Scott's noted minor injuries were NOT consistent with the awful and brutal violent interaction with and Murder of Pamela Vitale!
- * A weakling like Scott, compared to the reported more stronger and athletic Pamela, would never be able to overcome her resistance and beat her to death.
- * Scott was/is innocent, so someone else was/is guilty! Unlike Scott, the responsible(s) is/are still out there free!
- * You'll never get Pamela's Murderer(s) if you ignore the facts and also stop looking!
- * **The fingernail scrapings of Pamela Vitale's fingernails discovered no DNA found of Scott Dyleski**, but nothing was said (I believe) about anyone else's DNA found thereon.
- * Such close contact evidence would indicate the possible exculpatory evidence of Pamela making contact with another person who attacked her instead.
- * So what was found under her fingernails, and if so whose DNA was found there?
- * Scott also had no remarkable lacerations or bruises, which if he were the Murderer he would have had from the obviously more athletic, stronger, and fighting-for-her-life Pamela Vitale (as noted by the Investigators of Pamela).
- * Investigator Collins testified that when he photographed Dyleski following his arrest, Scott's hair was black (unlike the blond/light colored evidence hairs found on Pamela's back and about her area where she was found, and the hall's bathroom tub's drain area).
- * On re-re-cross Scott's initial Defense Attorney (Leona) asked Collins if these hairs were sent to the lab for analysis. **He responded "No"**. It could possibly have identified the real responsible(s) who Murdered Pamela Vitale and helped prove Scott's innocence very early on! The difference alone in hair colors speaks volumes!
- * Again it is very clear that the laboratory performed tests that were very selective by choice and made no attempts to identify third-party DNA, unidentified hairs from the crime scene, and/or third party 'fingerprints'.
- * The connective tissue in Scott's mouth, which can tear during a violent struggle, was noted to be intact. Another unbiased fact that favored Scott's innocence, but was questionably disregarded by the Prosecution!
- * His injuries were mostly superficial in nature (consistent with his claimed falling down an embankment during his search for a reported waterfall).
- * Scott's prosecution included the Prosecutor using Scott's school class type readings and writing notes as evidence of Scott's alleged violence nature and mind set, thereby unfairly demonizing Scott further.
- ** Educational related readings and/or writings are common to many Students and instructions of certain classes.
- ** Even some Law Enforcement Students are taught about various similar subjects in their chosen profession, in order to be able to identify the tragic events of life (which does not in turn make them have a mind set in the direction of violence, Satanism, Goth culture, and clothes preferences, become Murderous, etc.). Prosecutors too!
- * Instead of acknowledging it being just Scott's educational related study materials it was unjustly used as the Prosecution's evidence also as to Scott's evil mind set and pre-set direction towards becoming a Murderer.
- * Pamela Vitale's DNA was found on a bloodied glove in question, later used by the Prosecution, when later examined, but another unidentified male's DNA was found thereon, **but NOT Scott's!**
- * There were 2 to 3 trained Contra Costa County Police K-9 unit tracking dogs that were quickly and separately used for the search(es) for the responsible(s) in Pamela's Murder case, at different times. Each of those search dogs separately went/tracked directly to another renter's residence and his interior bathroom.
- * **Not one of the trained search dogs used EVER led the Officers to or about Scott Dyleski's place of residence.** That was/is believed to be exculpatory in itself! The dogs definitely had no reason to lie or deceive!
- * The Prosecution, once the separate suspected credit card fraud issues were reported, then (it appears) the Investigators abandoned any further consideration(s) concerning the Victim's husband Dan Horowitz, and anyone else as possibly being the responsible(s), including as potential Aiders and Abettors!

* Rushing into that kind of a perceived and questioned 'tunnel vision' type of investigation solely of Scott Dyleski was unjustified Law Enforcement professional misconduct! I believe, it thereafter denied a fair and impartial trial and justice all around.

* In Scott's case he most of all, and Pamela too, was/were denied real Justice by the involved Defense, the Police, and the Prosecution!

* Early on one of the renters of Dan Horowitz, NOT Scott, was asked to submit to several Law enforcement administered polygraph examinations, and he did.

* That renter, when examined for truthfulness, was determined by separate Law Enforcement Polygraph Testers to conclude that "deception" by the renter to their certain key and crucial questions was found.

* The renter could not offer any explanations for the adverse results pointing to him as being deceptive and he continued to proclaim his innocence!

* A later follow up via the Police with a certified CVSA Analyst and Instructor produced the same indications of deception findings, from and by the renter in question when examined again!

* The renter however was no longer pursued by the Investigators as a potentially likely responsible, or at a minimum having knowledge as to who was responsible, once Scott Dyleski was targeted as the responsible! WHY?

* I also note that there appears to be evidence on the Victim - Pamela Vitale's left hand, at the outer web area, a mouth's frontal bite/teeth curved impression there (Law Enforcement's photos #0069 and #0071). The suspected frontal teeth used 'bite' was not a full mouth shape but rather it seems that the Victim's left hand (outside portion) was bitten by a responsible who used their front teeth to do so. I have not read where this was noted or recorded by any of the on scene Investigators. That could've contained individual DNA evidence of the responsible!

* Was this ever followed up on by Law Enforcement? It is possible that this could've been exonerating evidence showing it was another person's bite during the attack. This is but another piece of crucial evidence ignored and disregarded by the prosecution! It too had/has denied both Pamela Vitale and Scott Dyleski real justice!

* Pamela Vitale, as related by her husband Dan Horowitz's testimony, was of German heritage via her father, and also Irish heritage via her mother.

* In the morning in question Pamela reportedly, via the Computer Expert's testimony, did her reported known continued genealogy type of searches and online Internet research of her family's heritage information. That included the Czech Republic search and her family name of Darg.

* The Darges reportedly were people she actually started to get in touch with and communicate with online.

* Dan testified that he listened to Pamela when she would tell him it's a Czech name, and her mom's side of the family has a lot of Czech, and she was communicating with actually the German side of the family (pointing out that she said that her father spoke only German in his early years).

* Darg was very interesting to her because of the history of the Czech Republic and the way it went back and forth between German control and Russian control.

* Dan's proud Jewish family heritage, versus Pamela's family background, theoretically, could've been very contentious during some of their reported negative interactions, as well as potentially during the suspected (by me) heated rifts between them in the early morning of the day of her vicious Murder! Another key possibility ignored by the Investigators and prosecution!

* Dan Horowitz's credibility is still in question, as supported by his own early on varied claims and others' statements about him (such as his reported previous sudden rage type arguments with Pamela and his reported previous sudden physically abusing her).

* There was between Dan and Pamela a lot of reported ongoing financial problems and arguments partly attributed to the increased costs for their new home being built, which Pamela reportedly was the cause of.

* Dan himself was reportedly suspicious of Pamela of having an affair(s) with her former boyfriend named "Neil" (may be spelled Neal or similar instead), whom she had been talking to via telephone over the years, and she reportedly had gone out with during Dan's work related absences for long periods of time.

* Dan reportedly had told Pamela that he wished she were "dead" several times. Another possibility as to a

motive involved in her death, ignored by the Investigators and Prosecution it seems!

Just as a mere observation, I note that blood smeared by a responsible, after killing someone, with a gloved hand, would be thought of having nothing consistent with spatter from wounds inflicted upon the Victim, as would also kneeling by and holding a Victim up against the responsible in order to deflect suspicion and responsibility away from the one doing such. Just another investigative thought not to be ignored in search of the truth. I do not know if the Investigators had even considered such at any point. But they should have!

The Due Process clause of the U.S. Constitution imposes a duty also on a Prosecutor and codifies the concept of fundamental fairness into our laws. You solve a crime by figuring out the motive(s) behind it. The gruesome way that Victim - Pamela Vitale was killed was a vicious and brutal crime of personal and passionate rage, and the obvious hate of the responsible(s) was personally so strong that the responsible(s) wanted to destroy her totally! And, the superficial carving on Pamela Vitale's back was, I believe and am of the opinion, copied to the historically known hateful carvings upon the captive Jews' bodies by the German Nazi, and in turn the carvings by the Jews upon the captive German Nazi bodies during World War II. Those types of hate and rage are additionally indicative of subsurface personal issues also, such as; racial hate, conflicting heritages, negative financial impacts, jealousy, domestic problems, possible and/or pending divorce, suspected cheating and/or suspected infidelity, drug abuse, etc. In Pamela Vitale's case I am of the opinion and belief that it was NOT related to any of the Prosecutions' claimed suspected cult or Satanism type of related ritual by the accused Scott Dyleski. The Prosecution's incendiary and unsupported claims was/were, I believe and am of the opinion, quite prejudicial to Scott if even implied before the Jury, and wholly unfair to the Defense!

There is a need to fairly be careful and thorough and make sure that the Defendant's rights were properly guarded. The complexities of this Murder case deserved more investigating, and more complete and thorough considerations as to what the events were that transpired. The law knows no greater burden than protecting the legal rights of those that society decides to take away their freedoms, or decides to execute. There has been a number of cases where a convicted Defendant received very lengthy prison terms, or death sentences, even executed, only to later be found innocent of the crimes that they were charged with committing. Inadequate Defense Counsel in some cases contributed to their Defendant's conviction via their chosen paths of defense! Oh there was lots of speculation thrown around against the Defendant - Scott Dyleski - by the Prosecution. And, there were others in the area who could have been involved in her Murder, but that was no longer pursued once Law Enforcement questionably rushed their diverted and sole focus upon Scott Dyleski alone as the suspected responsible. With such rushed carelessness who could say that there were no others responsible?

When you're dead, you presumably no longer feel anything. But when you are alive and living in a cage for a crime that you did not commit, you suffer every second of every interminable day! Scott Dyleski has been suffering in such a caged custody since late 2005, unlike each of you County Supervisor Board Members who are free to enjoy your own life whenever and wherever you wish. Scott Dyleski has/had not even been able to enjoy the love and comfort of even his custodial mother, who during his questioned lengthy incarceration unfortunately passed away! I believe this was a Murder case with some notoriety involved wherein much investigative evidence was/were ignored and/or discounted in order to quickly bring someone forward as the responsible before the numerous news media and press that had pounced on the case.

In my prior 33 plus years of full time sworn Peace Officer/Inspector career I had authored a number of successful applications for Search and Arrest Warrants, with none ever being denied. In my later part of my sworn Law enforcement career I made it a point to present my Search Warrant applications to one of the most scrutinizing and toughest reviewing honorable Judges - Richard Arnason. He never denied me my requested Search Warrant(s) once he read through and considered my SW applications' documentations and evidence submitted to him. I point that out since it is quite obvious that I know what is required to legally author and

'bullet proof' my cases, and know the processes involved. I additionally (by myself) have and had personally arrested several Murderers, shortly after they killed someone in separate cases, and had their cases filed and successfully prosecuted by the then composed CCC D.A.'s Office. I have investigated numerous separate Homicide cases in various jurisdictions over my 50 plus working years, and know what a Murder case investigation and its proof required entails! Scott's case is such a case!

#2 - My submitted written complaint and request for the empaneling of a Criminal Grand Jury via the CCC District Attorney's Office concerning the reported and separate suspected Murders of at least two (2), and possibly even three (3), private citizens in Antioch by several sworn Antioch Detectives/Officers in the past. I submitted a lot of evidentiary information and investigation reports that I had authored and gathered over the course of my investigations to the CC D.A.'s Office's D.A. Diana Becton, at first via D.D.A. Jason Peck. It has been quite questionably untimely bounced around within the D.A.'s Office for too long! The last employee of the D.A.'s Office I communicated with, as assigned by the D.A.'s Office, is D.A.'s Asst. Chief Inspector Arnold Threets, whom I last again contacted and spoke with in mid April 2021, and haven't heard from him since. Attached there is a two-sided summary legal size page of such that I had prepared, which should give to you a brief of the related cases' involved matters. Any questions? Contact me!

The CCC D.A.'s history and claimed equal objectivity concerning the equal and Constitutional application of the laws, concerning when sworn Police Officers are the reported criminal responsables, has been but a big ongoing fat LIE! **A BIG FAT LIE!** It seems that almost all accused sworn Law Enforcement Officers in CCC are unquestionably given an invisible automatic free "get out of trouble" card and are also defended by the D.A.'s Office almost from the outset. However, civilian(s) are comparatively treated quickly, quite differently, and severely when it comes to their involvement in similar, or even less severe criminal misconduct. Where can the common citizens get these types of invisible "get out of trouble" considerations and cards, and the D.A. Office's quick defense? What happened to civilians' "innocent until proven guilty"? They obviously do not get an equal free escape from prosecution or required fair and equal Justice by the D.A.'s Office!

As a former sworn Police Officer/Investigator I had personally received a written commendation from a then sitting F.B. I. Director wherein he commended me for my investigative abilities, etc. Think.....even in my early career one of the highest Law Enforcement Officers in our nation formally recognized my investigative acumen and investigative abilities. My investigations into the two (2) aforementioned cases and complaints contains the same quality of investigations, care, attention, considerations, crimes and evidence analysis, etc., as that which the F.B.I. Director himself had **personally** recognized and commended me for early in my career.

I am a survivor of a Felon's violence, whom I had confronted, shooting me while I was on duty almost 50 years ago! I almost died as a result, was hospitalized, and emergency surgery was performed. I have since then suffered in a number of ways! I have continued to carry out my sworn duty and Oath of Office as a Peace Officer, to include since my retirement in late 2003 from full time sworn Law Enforcement. I have not wavered in my Oath even thru the present in taking into account the integrity and honesty of public safety, to include the rights contained in our Constitutions. Scott Dyleski's case has been quite enlightening in how wrong the applications of Justice are carried out by those incompetents, whom I believe to be personally corrupt, and with the power to do wrong or right.

Scott's case is a shameful travesty of Justice by those involved and by those refusing to accept the facts and evidence involved, to include, it seems, to not want to correct their wrongs. Myself being a survivor of personal violence, I would never try to intervene in what I believe was a truly guilty person's crimes and punishment. Scott's case however is not the case! I am intervening because I truly am of the opinion and belief that he is innocent of what he questionably had been accused of, tried and convicted, and incarcerated since for almost 16

years to date. I question how it is that the integrity of those few in the law refuse to do right, and how it has been ugly and shameful, with no one presently known to want to regain their own soul and integrity!

I believe that the incomplete and flawed investigations, and Prosecution, as well as the teenager's initial Defense(s), was/were seriously lacking in many areas. He certainly deserves your understanding and immediate direct assistance in at least having his case quickly reopened and reinvestigated, so that real Justice is served for all concerned. He also should have reasonable and affordable bail set, be let out of his hell-hole prison captive environment he unjustly continues to be in, and home detention granted to him also pending the County doing the right and necessary things! What say you?

Respectfully submitted,

Ralph A. Hernandez
Private Investigator & Consultant
cell phone #(925) 565-9659

cc: Sara Salkin, Attorney At Law

A handwritten signature in blue ink, appearing to read "R. Hernandez", is centered on the page below the typed name and contact information.