

CHARGE EVALUATION WORKSHEET

<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR	AGENCY NAME LAPD - NORTHEAST		DA CASE NO. 33368963		DATE 11/05/2013	
	AGENCY FILE NO. (OR OR URN) 13-11-17521		DA OFFICE CODE SXC		VICTIM ASSISTANCE REFERRAL <input type="checkbox"/> YES-Notify WAP <input type="checkbox"/> NO	
SUSP. NO. 1	SUSPECT NAME (LAST, FIRST MIDDLE) Doe, John			CHARGES		
				CODE PC	SECTION 261(A)(3)	OFFENSE DATE 09/08/13
	DOB	SEX (M/F) M	BOOKING NO. N/A	VIP <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	KEY CODE: 14	
<input type="checkbox"/> Gang Member Name of Gang			<input type="checkbox"/> Victim Gang Member Name of Gang			
Victim Name: [REDACTED]			Victim DOB: [REDACTED]			
2	NAME (LAST, FIRST MIDDLE)					
	DOB	SEX (M/F)	BOOKING NO.	VIP <input type="checkbox"/> Yes <input type="checkbox"/> No	KEY CODE:	
<input type="checkbox"/> Gang Member Name of Gang			<input type="checkbox"/> Victim Gang Member Name of Gang			
Victim Name:			Victim DOB:			
3	NAME (LAST, FIRST MIDDLE)					
	DOB	SEX (M/F)	BOOKING NO.	VIP <input type="checkbox"/> Yes <input type="checkbox"/> No	KEY CODE:	
<input type="checkbox"/> Gang Member Name of Gang			<input type="checkbox"/> Victim Gang Member Name of Gang			
Victim Name:			Victim DOB:			
<p>Comments</p> <p>Victim and suspect are students at Occidental College. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] Witnesses were interviewed and agreed that the victim and suspect were both drunk, however, that they were both willing participants exercising bad judgment.</p> <p>I interviewed the victim regarding the facts of the case. I explained to her the definition of PC 261(a)(3) and the lack of evidence as to certain elements. Specifically the facts show the victim was capable of resisting based on her actions. [REDACTED]</p> <p>[REDACTED]. More problematic is the inability to prove the suspect knew or reasonably should have known that she was prevented from resisting if she was in that state. It would be reasonable for him to</p> <p>(CONTINUED ON NEXT PAGE)</p>						

LAST NAME:

FIRST NAME:

DA CASE NUMBER:

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conclude based on their communications and her actions that, even though she was intoxicated, she could still exercise reasonable judgment. That charge is therefore declined based on insufficient evidence.

The misdemeanor PC 261.5 charge is also declined based on insufficient evidence. There is a 4-month age difference between the parties. The victim was 1 month shy of her 18th birthday when this occurred. The victim is enrolled in college and there is no evidence that the suspect knew or should have known she under age.

COMPLAINT DEPUTY (PRINT) ALISON A. W. MEYERS	COMPLAINT DEPUTY (SIGNATURE) <i>Al B. W. Me</i>	STATE BAR NO. 178816	REVIEWING DEPUTY (SIGNATURE) <i>[Signature]</i>
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I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT), M. Gomez FILING OFFICER (SIGNATURE) [Signature] SERIAL# 31514

<u>DEPARTMENT OF JUSTICE</u> <u>REASON CODES</u> <u>(FORM 8715)</u> A. Lack of Corpus B. Lack of Sufficient Evidence C. Inadmissible Search/Seizure	D. Victim Unavailable/Declines to Testify E. Witness Unavailable/Declines to Testify F. Combined with Other Counts/Cases G. Interest of Justice	H. Other (indicate the reason in Comments section) I. Referred to Non-California Jurisdiction J. Deferred for Revocation of Parole K. Further Investigation	L. Prosecutor Pre-filing Deferral <u>DISTRICT ATTORNEY'S</u> <u>REASON CODES</u> M. Probation Violation in lieu of N. Referred to City Attorney for Misdemeanor Consideration

05/13/2014