ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 6/3/2022 3:56 PM
By: Oscar Luna, Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MONTEREY

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. PAUL RUBEN FLORES, Defendants.	Case No. 22CR003712 PEOPLE'S OPPOSITION TO MOTION TO DISMISS FOR "OUTRAGEOUS GOVERNMENT CONDUCT" Date: June 6, 2022 Time: 8:30 am Location: Department 4

I

INTRODUCTION

When a witness in a murder case reports to law enforcement that the mother of one charged defendant and wife of the other charged defendant stopped outside of her home and took photographs of her young child approximately ten days before the trial is to start, it is not only well within the scope of the duties of law enforcement officers to investigate the incident as a possible crime of witness intimidation but it is their duty to do so. To call this "outrageous government conduct" that justifies a dismissal is baseless and unsupported by case law.

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II

STATEMENT OF PERTINENT FACTS

A. Report of Possible Witness Intimidation Committed by Susan Flores[1]

On Friday, May 27, 2022, at approximately 6:30 p.m., Jamilyn Holman arrived home and parked her vehicle in the garage of her residence with the garage door open. Inside the vehicle were her three-year-old daughter and her eight-year-old daughter. After Ms. Holman parked the vehicle, her eight-year-old daughter got out of the vehicle and opened the freezer in the garage to get ice cream. Her eight-year-old daughter looked over her shoulder and saw a red two-door SUV slow down and stop. The eight-year-old daughter then saw the driver, a female with short blonde hair, take out her phone, hold it with two hands outside of the open driver's side window, and take a picture. The eight-year-old appeared terrified and yelled, "Mommy, that lady is taking a picture of me."

Ms. Holman looked out toward the street and observed a red two-door SUV stopped on the street that ran parallel to her home. Ms. Holman got out of her vehicle and the red SUV began to speed away. Ms. Holman recognized the driver to be Susan Flores. She did not see a cell phone in the driver's hand.

B. The Investigation into Possible Witness Intimidation[2]

At approximately 6:42pm, on May 27, 2022, Ms. Holman contacted Sheriff's Office Detective Clint Cole by text to report the incident with Susan Flores. At that time, Detective Cole told Ms. Holman that if she believed a crime had been committed, she should contact the appropriate law enforcement agency that had jurisdiction over the matter. Ms. Holman then contacted the Arroyo Grande Police Department.

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[1] Statement of pertinent facts regarding the possible witness intimidation is taken from Arroyo Grande Police Department reports for case number 2200787, which are attached as Exhibit 1 and incorporated by reference.

[2] Statement of pertinent facts regarding the investigation into the possible witness intimidation is taken from Exhibit 1, the related search warrant and affidavit which are attached as Exhibit 2, a screenshot of the text message from Ms. Holman which is attached as Exhibit 3, and the attached Declarations of Eric Dobroth and Clinton Cole, all of which are incorporated by reference.

At approximately 7:13 p.m. on that same date, Ms. Holman met with Arroyo Grande Police Department Officer Ashley Donovan. She and her daughter described what they witnessed. Ms. Holman told officers that she is a witness in the court proceedings involving the murder of Kristin Smart (this case). She previously testified as a witness at the preliminary hearing in the case in September 2021 and saw Susan Flores was present in the courtroom during all of her testimony. Ms. Holman noted the trial is scheduled to begin next week and found the timing of the incident to be more threatening. Ms. Holman was concerned for her and her family's safety.

At approximately 8:15 p.m., Officer Donovan briefed Senior Officer Stephen Doherty about the incident. Senior Officer Doherty wrote an affidavit in support of a search warrant for Susan Flores's cell phone. Senior Officer Doherty presented the search warrant to the Honorable Jacquelyn H. Duffy for review. Upon being informed of the subject matter of the warrant and prior to reviewing it, Judge Duffy asked whether a prosecutor had reviewed the search warrant and affidavit and, when Senior Officer Doherty answered in the negative, she asked him to do so.

At approximately 10:47 p.m. DDA Peuvrelle contacted Assistant District Attorney (ADA) Eric Dobroth to brief him on the Arroyo Grande Police Department investigation. DDA Peuvrelle and ADA Dobroth agreed to review the search warrant and affidavit and discussed specific aspects of the initial request such as whether night service was warranted, why the officers were seeking information for the entire month preceding the incident, and whether web searches may be pertinent to the investigation.

ADA Dobroth and DDA Peuvrelle agreed to separately reviewed the warrant. At 11:08 pm they discussed whether night service was warranted, whether there was justification for the officer's request for a month of information and whether to include web searches.

On May 27, 2022, at 11:08 p.m., DDA Peuvrelle initiated a three-way phone call

with ADA Dobroth and Arroyo Grande PD Sr. Officer Doherty. Sr. Officer Doherty stated that he would present the warrant and affidavit to me for review the following day.

On May 28, 2022, at approximately 2:25 p.m., Senior Officer Doherty sent the search warrant to ADA Dobroth for review. At approximately 2:57 p.m., ADA Dobroth sent Senior Officer Doherty feedback on the contents of the affidavit and search warrant.

At 3:43 p.m., the Honorable Jacquelyn H. Duffy signed the search warrant related to the investigation into a possible violation of Penal Code section 136.1, subdivision (a)(2) (witness intimidation). The affidavit noted that the digital contents of Susan Flores's cellular phone may contain evidence of photographs of video of Ms. Holman and her family, of GPS location information that placed Susan Flores at the scene, and of internet searches, text messages, and call log information that shows her intent and motive underlying the behavior. It further requested the information for the week leading up to the incident to determine if there were additional incidents of Susan Flores loitering near or watching Ms. Holman's residence.

At approximately 5:45 p.m., Senior Officer Doherty served the search warrant on Susan Flores at 410 East Branch Street in Arroyo Grande and collected the cell phone as evidence. Senior Officer Doherty interviewed Susan Flores, who admitted to driving to and from Ruben Flores's residence in the morning and afternoon on the previous day and to knowing the location of Ms. Holman's residence, which is near Ruben Flores's residence, but denied taking pictures of Ms. Holman and her family. Senior Officer Doherty provided the cell phone to the Central Coast Cyber Forensics Lab at approximately 7:00 p.m. for a forensic examination.

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III

LAW AND ARGUMENT

A. The Investigation of a Crime Is Not "Outrageous Government Conduct"

Paul Flores's motion to dismiss cites *Rochin v. California* (1952) 342 U.S. 165 (*Rochin*), the seminal case that provided dismissal as the remedy for government conduct that is so egregious that it "shocks the conscience" and violates the constitutional right to due process under the Fourteenth Amendment. (*Id.* at p. 172.) In *Rochin*, three deputy sheriffs entered the defendant's residence without a warrant based on "some information" that he was selling narcotics, forced open the door to his room, and found the defendant with his wife, partly dressed and seated on the bed. The deputies observed two capsules on the nightstand, asked whose they were, and the defendant swallowed the pills. The deputies jumped on the defendant and attempted unsuccessfully to extract the pills, then took him to a hospital where a doctor forced an emetic solution through a tube into his stomach against the defendant's will, inducing vomiting and revealing two capsules of morphine. (*Id.* at p. 166.) The U.S. Supreme Court held that the unlawful breaking into the privacy of the defendant's home, the struggle to open his mouth and remove the capsules, and the forcible extraction of his stomach's contents were "methods too close to the rack and the screw" and reversed the conviction as a violation of the Due Process Clause. (*Id.* at p. 172.)

The test in California is two parts: (1) a factual determination of whether and to what extent governmental misconduct occurred, and (2) whether the conduct constitutes outrageous conduct in the constitutional sense of violating the defendant's due process rights. (*People v. Uribe* (2011) 199 Cal.App.4th 836, 857-858.) "The rights of the respective parties here are extremely important ones, namely, defendant's right to a fair trial and the People's right to prosecute persons believed to be responsible for the commission of serious crimes." (*Id.*)

Not only does the investigation into Susan Flores not "shock the conscience," it is in fact a legitimate investigation into a report of a possible crime. Paul Flores's motion, filled with irrelevant details[3] and unfounded speculation, ignores the law in favor of inflammatory rhetoric.

Police officers employed by a city like Arroyo Grande are peace officers, and their authority extends to public offenses committed or for which there is probable cause to believe have been committed within their jurisdiction. (Pen. Code, § 830.1, subd. (a)(1).) A law enforcement officer is someone whose primary responsibility is the enforcement of the law, the detection and apprehension of persons who have violated any law, or the investigation and preparation for prosecution of cases involving the violation of laws. (Pen. Code, § 872, subd. (c)(2).)

The district attorney is a public prosecutor, and the public prosecutor shall attend the court and within his or her discretion shall initiate and conduct on behalf of the people all prosecutions for public offenses. (Gov. Code, § 26500.)

Put simply, it is the duty of police officers to investigate the commission of public offenses and it is the duty of the prosecutor to initiate and conduct prosecutions. And when a witness in a case reports that the mother and wife of the defendants in that case is outside of her home taking photographs of her eight-year-old daughter, it is the duty of law enforcement to investigate the report as a possible crime of witness intimidation in violation of Penal Code section 136.1.

B. Susan Flores Does Not Have Attorney-Client Privilege with Paul Flores or His Attorney

The use of the phrase "defense camp" rather than "defense team" in the motion to dismiss is telling, because Susan Flores is not a defendant or a member of the defense team. Attorney-client privilege relates to confidential communications between

[3] The relevance of a 22-year-old FBI memo, quoted extensively—and twice—at the apparent expense of any quotations or analysis of case law in support of the defense position, is unclear.

client and lawyer. (Evid. Code, § 954.) The holder of the privilege is the client himself or herself, with exceptions for minors, conserved or deceased persons, or corporations. (Evid. Code, § 953; see, e.g., *People v. Lee* (1970) 3 Cal.App.3d 514, 527 [finding the defendant's wife had no attorney-client relationship with the public defender's office and was not acting as the defendant's agent].) The right of any person to claim the statutory attorney-client privilege "is waived with respect to a communication protected by such privilege if any holder of the privilege, without coercion, has disclosed a significant part of the communication..." (Evid. Code, § 912, subd. (a).) There is no parent-child privilege in California unless the specific communication falls under a different privilege. (*In re Terry W.* (1976) 59 Cal.App.3d 745, 747-749; cf *De Los Santos v. Superior Court* (1980) 27 Cal.3d 677 [parent has attorney-client privilege in relation to statements made in capacity as guardian ad litem].)

In addition, there are crime-related exceptions to privileges. Communications are not privileged if the services of a lawyer were sought or obtained to enable anyone to commit or plan to commit a crime or fraud. (Evid. Code, § 956, subd. (a).) And marital privilege does not apply if the communication was made, in whole or in part, to enable or aid anyone to commit or plan to commit a crime or fraud. (Evid. Code, § 981.)

The burden is on the party claiming the privilege to establish the preliminary facts necessary to support its exercise. (*Costco Wholesale Corp. v. Superior Court* (2009) 47 Cal.4th 725, 733; see also *Clark v. Superior Court* (2011) 196 Cal.App.4th 37, 49.) "The involvement of a third party changes the burden of proof in litigating attorney-client privilege issues." (*Behunin v. Superior Ct.* (2017) 9 Cal.App.5th 833, 844.) " 'Where a third party is present, no presumption of confidentiality obtains, and the usual allocation of burden of proof, resting with the proponent of the privilege, applies in determining whether confidentiality was preserved under [Evid. Code]

§ 952." [Citations.]" (*Id.* at pp. 844-845.) The defense has not demonstrated that any sort of privilege has been invaded.

Furthermore, the cases cited by the defense for their "invasion of the defense camp" theory address government intrusion to actual communications between defendants and their attorneys, and is therefore inapposite to the investigation of a defendant's mother taking photographs of the eight-year-old daughter of a witness in the upcoming trial. (See *Barber v. Municipal Court* (1979) 24 Cal.3d 742 [government agent present at confidential attorney-client meetings]; *Boulas v. Superior Court* (1986) 188 Cal.App.3d 422 [government directed defendant to hire a different attorney to obtain possible consideration for informant work]; *Morrow v. Superior Court* (1994) 30 Cal.App.4th 1252 [prosecutor used investigator to eavesdrop on conversation between defendant and attorney].) The defense allegation that the search warrant is "an effort to determine the reaction of the mother of [sic] other family members" (Def. Mot. at p. 8) is patently false, contradicted by the attached exhibits that include the authorization by a judicial officer for the search. Susan Flores is not the victim of harassment and intimidation; she is the perpetrator and the search of her phone is a legitimate investigation into the evidence and extent of her actions.

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IV

CONCLUSION

The timing of the investigation is highly relevant, but not for the reasons the defense proffers: Susan Flores took photographs of the eight-year-old daughter of a witness in this case in the weeks before the commencement of trial. The investigation of this behavior neither "shocks the conscience" nor "invades the defense camp"; rather, it is the investigation into a reported crime by officers who are doing their job. The defense motion should be denied.

DATED: June 3, 2022

Respectfully Submitted,

Dan Dow
District Attorney

Christopher Peuvrelle
Deputy District Attorney

EXHIBIT 1

ARROYO GRANDE POLICE DEPARTMENT

200 N. HALCYON ROAD
ARROYO GRANDE, CA 93420
(805) 473-5100

INCIDENT REPORT

CASE NUMBER	SUPPLEMENT NUMBER
2200787	
CASE TYPE	CAD EVENT NUMBER
DISD CONDUCT	2205007267
REPORTING OFFICER	REPORT DATE
P0157 - DONOVAN, ASHLEY	05/27/2022

INCIDENT

LOCATION				OCCURRED	DATE	TIME	DAY
RIDGEVIEW WY / WHITE CT, ARROYO GRANDE, CA 93420 US				ON OR FROM			
PREMISE NAME			AGENCY AGPD	TO			
BEAT 46-2	DIVISION OPERATIONS	UNIT PATROL	SHIFT SQUAD D	REPORTED	05/27/2022	19:13	FRI

NATURE OF INCIDENT

- ☐ ALCOHOL RELATED
- ☐ CHILD ABUSE
- ☐ DRUG RELATED
- ☐ SENIOR CITIZEN
- ☐ GANG RELATED
- ☐ DOMESTIC VIOLENCE
- ☐ HATE / BIAS
- ☐ OFFICER ASSAULT
- ☐ JUVENILE
- ☐ ARSON

RELATED CASE NUMBERS

SYNOPSIS

Victim reported a neighbor took a photograph of her eight year old daughter for intimidation purposes.

COPY
DO NOT DUPLICATE

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Michael T. Martinez, Chief of Police

By: [signature] Date: 5-31-22

ADDITIONAL INFORMATION

- ☐ DUI TC
- ☐ PRCS AB109
- ☐ SOCIALLY DISPLACED

STATUS

CASE STATUS	CASE STATUS DATE	DISPOSITION	DISPOSITION DATE	APPROVAL	APPROVAL DATE
OPEN	05/31/2022	DA	05/27/2022	P0106 - DOHERTY, STEPHEN	05/31/2022

INCIDENT REPORT	ARROYO GRANDE POLICE DEPARTMENT	CASE NUMBER 2200787

OFFENSES

ENTRY NO	VIOLATION STATUTE	OFFENSE DESCRIPTION
1	136.1(A)(2)	ATTEMPT TO PREVENT/DISSUADE WITNESS/VICTIM

ATTEMPTED	LEVEL	DEGREE	COUNTS	NCIC CODE	BEAT AREA	PROPERTY #	DISPOSITION DATE
N	M				986		

AGENCY CLASSIFICATION	LOCATION OF OFFENSE
PC	

CJIS	MODIFIER 1	MODIFIER 2	MODIFIER 3

CC BY	CC BY DATE	CC ACT

COMMENT

VICTIMS

ENTRY NO	INVOLVEMENT	NAME LAST FIRST MIDDLE
1	VI	HOLMAN, MARGARET

HOME ADDRESS: 409 PRINTZ RD ARROYO GRANDE, CA 93420 | MAILING ADDRESS

EMPLOYER	EMPLOYER ADDRESS	OCCUPATION

HOME PHONE	CELL PHONE	OTHER PHONE	EMPLOYER PHONE

DOB	AGE	SEX	RACE	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION
09/16/2013	8	F	W	N	400	60	BRO	BRO		R		

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL	ID	ID

COMMENT

ENTRY NO	INVOLVEMENT	NAME LAST FIRST MIDDLE
2	VI	HOLMAN, JAMILYN

HOME ADDRESS: 409 PRINTZ RD ARROYO GRANDE, CA 93420 | MAILING ADDRESS

EMPLOYER	EMPLOYER ADDRESS	OCCUPATION

HOME PHONE	CELL PHONE	OTHER PHONE	EMPLOYER PHONE

DOB	AGE	SEX	RACE	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION
08/01/1988	33	F	W	N						R		

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL	ID	ID

COMMENT

SUSPECTS

ENTRY NO	INVOLVEMENT	NAME LAST FIRST MIDDLE
4	SU	FLORES, SUSAN PAULA

HOME ADDRESS: 529 E BRANCH ST ARROYO GRANDE, CA 93420 | MAILING ADDRESS

EMPLOYER	EMPLOYER ADDRESS	OCCUPATION
		TEACHER AIDE/REAL ES

HOME PHONE	CELL PHONE	OTHER PHONE	EMPLOYER PHONE
(805) 473-6918			

DOB	AGE	SEX	RACE	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION
04/20/1951	71	F	W							R		

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL	ID	ID
E0910087	CA				15592		

COMMENT

OTHERS

ENTRY NO	INVOLVEMENT	NAME LAST FIRST MIDDLE
3	IN	HOLMAN, SCARLETTE

HOME ADDRESS: 409 PRINTZ RD ARROYO GRANDE, CA 93420 | MAILING ADDRESS

EMPLOYER	EMPLOYER ADDRESS	OCCUPATION

HOME PHONE	CELL PHONE	OTHER PHONE	EMPLOYER PHONE

DOB	AGE	SEX	RACE	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION
07/31/2018	3	F	W	N			BRO	BRO		R		

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL	ID	ID

COMMENT

INCIDENT REPORT	ARROYO GRANDE POLICE DEPARTMENT	CASE NUMBER 2200787

ENTRY NO	INVOLVEMENT	NAME LAST FIRST MIDDLE
5	OF	CULVER, DAVID

HOME ADDRESS | MAILING ADDRESS

EMPLOYER	EMPLOYER ADDRESS	OCCUPATION
AGPD		EMPLOYEE P0152

HOME PHONE | CELL PHONE | OTHER PHONE | EMPLOYER PHONE

DOB	AGE	SEX	RACE	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION

D. NUMBER | CI ST | SSN | FBI | STATE ID | LOCAL | ID | ID

COMMENT

ENTRY NO	INVOLVEMENT	NAME LAST FIRST MIDDLE
6	OF	DOHERTY, STEPHEN

HOME ADDRESS | MAILING ADDRESS

EMPLOYER	EMPLOYER ADDRESS	OCCUPATION
AGPD		EMPLOYEE P0106

HOME PHONE | CELL PHONE | OTHER PHONE | EMPLOYER PHONE

DOB	AGE	SEX	RACE	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	CITIZEN	GANG IDENTIFICATION

D. NUMBER | CI ST | SSN | FBI | STATE ID | LOCAL | ID | ID

COMMENT

MEDIA LIST REPORT



TITLE: IMAGES
CONTEXT: INCIDENT
COMMENTS:
MEDIA DATE: 05/29/2022 07:00
ENTERED DATE: 05/29/2022 07:00



TITLE: IMAGES
CONTEXT: INCIDENT
COMMENTS:
MEDIA DATE: 05/29/2022 07:00
ENTERED DATE: 05/29/2022 07:00



TITLE: IMAGES
CONTEXT: INCIDENT
COMMENTS:
MEDIA DATE: 05/29/2022 07:00
ENTERED DATE: 05/29/2022 07:00



TITLE: IMAGES
CONTEXT: INCIDENT
COMMENTS:
MEDIA DATE: 05/29/2022 07:00
ENTERED DATE: 05/29/2022 07:00

INCIDENT REPORT	ARROYO GRANDE POLICE DEPARTMENT	CASE NUMBER 2200787



TITLE
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CONTEXT
INCIDENT
COMMENTS

MEDIA DATE	ENTERED DATE
05/29/2022 07:00	05/29/2022 07:00



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MEDIA DATE 05/29/2022 07:00 | ENTERED DATE 05/29/2022 07:00



TITLE
IMAGES
CONTEXT
INCIDENT
COMMENTS

MEDIA DATE 05/29/2022 07:00 | ENTERED DATE 05/29/2022 07:00

NARRATIVE

SUMMARY OF EVIDENCE:

PRINTS: - None
PHOTOS: - Images.
INJURIES: - None

NARRATIVE:

On Friday, May 27, 2022, at approximately 1913 hours I was dispatched to the area of Ridgeview Way and White Court for a report for a neighbor disturbance. The reporting party advised a female neighbor who she identified as Susan Flores took a photograph of her eight year old daughter approximately 45 min prior to the initial report.

Due to family members having the same last name, the involved parties will be referred to by first name.

I responded to the reporting parties address, 409 Printz Road. Upon arrival, I contacted the reporting party who verbally identified as Jamilyn Holman. I observed Jamilyn's residence to be parallel to Ridgeview Way. The metal fencing around the property does not cover or hide any view of the street or her residence.

I asked Jamilyn what occurred and she provided the following summarized statement; at approximately 1830 hours Jamilyn had drove and parked her vehicle in the garage of her residence leaving the garage door open. Jamilyn had her two daughters with her in the vehicle; three year old Scarlette Holman and eight year old Margaret Holman. After Jamilyn parked the vehicle, Margaret exited the vehicle and walked towards the freezer located in the garage to get an ice cream. Margaret opened the freezer door and then looked over her shoulder and appeared "terrified". Jamilyn was still seated in the vehicle with Scarlette when Margaret yelled, "Mommy that lady is taking a picture of me". Jamilyn looked over her right shoulder while seated in the driver seat of her vehicle and noticed a red two door SUV stopped on Ridgeview Way as it turned from White Court. Jamilyn exited her vehicle and noticed the red SUV start to speed away. Jamilyn did not remember if the driver side window was up or down and did not see a cell phone in the drivers hand. Jamilyn described the vehicle as being an older model "mountaineer" or an SUV similar to that.

Jamilyn identified the female driving the red SUV as Susan Flores. Jamilyn has seen Susan several times at the Ruben Flores residence. Jamilyn is familiar with the red SUV due to seeing it parked across the street at the Ruben Flores residence and also in front of Susan Flores residence on several occasions.

Jamilyn is concerned due to the fact that Susan Flores took a photograph of Jamilyn's daughter, Margaret.

I then spoke with Margaret Holman. Margaret provided the following summarized statement; the garage door was open to the house. She saw someone was driving their car and slowed down and stopped. She saw someone take their phone out, held it and then took a picture. She described the car as being red in color. She described the driver as a female with short blonde hair.
I asked Margaret when she noticed the vehicle stop and take a photo of her and she stated, she

opened the freezer door and then looked towards the street and that is when she noticed the vehicle had stopped. I asked Margaret how the driver was holding the phone when she took the photo and Margaret held up both her hands and physically showed me that the female used two hands to do so through the window. This concluded my conversation with Margaret.

I took photographs inside Jamilyn's garage from the door that leads into the residence facing Ridgeview Way and from the fence line on Ridgeview Way facing Jamilyn's garage. These photographs are attached to the media section of this report.

At this time, Sergeant Culver requested Detective Doherty respond to the Arroyo Grande Police Department for further assistance in the case. Refer to Detective Doherty's supplement report for further information.

This incident was recorded on my body worn camera (P0157).

FOLLOW-UP REQUIRED:

Forward to detectives for follow up on the cell phone and obtaining a statement from Susan Flores.

CASE DISPOSITION:

Open, forwarded to detectives.

ARROYO GRANDE POLICE DEPARTMENT

200 N. HALCYON ROAD
ARROYO GRANDE, CA 93420
(805) 473-5100

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER	SUPPLEMENT NUMBER
2200787	1
CASE TYPE	CAD EVENT NUMBER
DISD CONDUCT	
REPORTING OFFICER	SUPPLEMENT DATE
P0106 - DOHERTY, STEPHEN	05/28/2022

INCIDENT

LOCATION / PREMISE NAME	DATE	TIME
410 E BRANCH ST , ARROYO GRANDE, CA 93420 US SAN LUIS OBISPO	05/28/2022	18:34

BEAT	DIVISION	UNIT	SHIFT	JURISDICTION
46-1	OPERATION	INVESTIGATI	SQUAD A	AGPD

STATUS

WORKFLOW STATUS	APPROVAL	APPROVAL DATE
COMPLETE	P0115 - SMITH, JEFFERY	05/31/2022

SUSPECTS

ENTRY NO	INVOLVEMENT	NAME LAST, FIRST, MIDDLE
4	SU	FLORES, SUSAN PAULA

HOME ADDRESS	MAILING ADDRESS
529 E BRANCH ST ARROYO GRANDE, CA 93420	

EMPLOYER	EMPLOYER ADDRESS	OCCUPATION
		TEACHER AIDE/REAL ES

HOME PHONE	CELL PHONE	OTHER PHONE	EMPLOYER PHONE
(805) 473-6918			

DOB	AGE	SEX	RACE	ETH	HEIGHT	WEIGHT	HAIR	EYES	POB	RESIDENCY	OFFICER	GANG IDENTIFICATION
04/20/1951	71	F	W							R		

DL NUMBER	DL ST	SSN	FBI ID	STATE ID	LOCAL ID	ID	ID
E0910087	CA				15592		

COMMENT

ARTICLE

ENTRY NO	REF NO	INVOLVEMENT	CATEGORY	DESCRIPTION
1		E	CELL PHONES	CELL PHONE

SERIAL NUMBER	OAN	QUANTITY	DENOMINATION	CASH AMOUNT
G0NZW9JTN72W		1		

TYPE	BRAND	MODEL	SIZE	GENDER	COLOR 1	COLOR 2
-	- APPLE	IPHONE				

VALUE STOLEN	DATE STOLEN	JURISDICTION STOLEN

VALUE RECOVERED	DATE RECOVERED	JURISDICTION RECOVERED	RECOVER LOCATION	RECOVERED BY NAME

EVIDENCE	CUSTODY STATUS	WET	DATE/TIME TAKEN	RECOVERED BY PIN	SOURCE	DESCRIPTION
Y	SUBMITTED	N				

LOCATION OF DNA SAMPLE

COMMENT

NARRATIVE

SUMMARY OF EVIDENCE:

PRINTS: - None
PHOTOS: - None
INJURIES: - None

NARRATIVE:

On May 27th, 2022 at approximately 2015 hours, I was notified about this case and met with Officer Donovan, who relayed the information contained in her report. I completed a search warrant related to this case which was granted by the Honorable Judge J. Duffy on 5/28/22. On 5/28/22 at

approximately 1745 hours, I served the search warrant on Suspect Susan Flores at 410 E. Branch St, and she turned over her cell phone, which I collected as evidence. I noted that I had called a telephone number listed as Flores' earlier in the day, and that the voice mail that I had left was on the cell phone that I was collecting, leading me to believe that phone did indeed belong to Flores.

I spoke with Flores about the incident from yesterday, and the following is a summary of her statement: Flores admitted to driving to and from Ruben Flores' residence on White Court at least two times on 5/27/22. Flores' said she went to Ruben's residence once in the morning and once in the afternoon, but could not advise on specific times. Flores' did recall that at least one of the trips involved picking up cat food from Ruben. Flores acknowledged knowing where Holman's residence is and stated that she has to slow down every time she drives past because there is a dip in this section of roadway on Ridgeview Way. Flores denied taking pictures of Holman and her family and further denied having any interactions with Holman.

The conversation with Flores was recorded on Officer Donovan's body worn camera.

Flores was provided with a copy of the search warrant affidavit and a property receipt for her cell phone. I turned over Flores' cell phone to Chris Fitzpatrick from the Central Coast Cyber Forensics Lab on 5/28/22 at approximately 1900 hours.

FOLLOW-UP REQUIRED:

Conduct forensic exam of cell phone and update report with results.

CASE DISPOSITION:

Active. Forward to the San Luis Obispo District Attorney's Office.

ARROYO GRANDE POLICE DEPARTMENT

200 N. HALCYON ROAD
ARROYO GRANDE, CA 93420
(805) 473-5100

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER	SUPPLEMENT NUMBER
2200787	2
CASE TYPE	CAD EVENT NUMBER
DISD CONDUCT	2205007267
REPORTING OFFICER	REPORT DATE
P0106 - DOHERTY, STEPHEN	06/01/2022

INCIDENT

LOCATION				DATE	TIME
200 N HALCYON RD , ARROYO GRANDE, CA 93420 US SAN LUIS OBISPO				06/01/2022	08:33
PREMISE NAME					
AGPD					
BEAT	DIVISION	UNIT	SHIFT	JURISDICTION	
46-3	OPERATION	PATROL	INVESTIGATI	AGPD	

ADDITIONAL INFORMATION

☐ DUI TC ☐ PRCS AB109

ARTICLE

ENTRY NO	REF NO	INVOLVEMENT	CATEGORY	DESCRIPTION
2		E	DIGITAL MEDIA	THUMB DRIVE (UFED READER)

SERIAL NUMBER	OAN	QUANTITY	DENOMINATION	CASH AMOUNT

TYPE	BRAND	MODEL	SIZE	GENDER	COLOR 1	COLOR 2
-	-					

VALUE STOLEN	DATE STOLEN	JURISDICTION STOLEN

VALUE RECOVERED	DATE RECOVERED	JURISDICTION RECOVERED	RECOVER LOCATION	RECOVERED BY NAME

EVIDENCE	CUSTODY STATUS	WET	DATE/TIME TAKEN	RECOVERED BY PIN	SOURCE	DESCRIPTION
Y	SUBMITTED	N				

LOCATION OF DNA SAMPLE

COMMENT

ARTICLE

ENTRY NO	REF NO	INVOLVEMENT	CATEGORY	DESCRIPTION
3		E	DIGITAL MEDIA	THUMB DRIVE (PORTABLE CASE)

SERIAL NUMBER	OAN	QUANTITY	DENOMINATION	CASH AMOUNT

TYPE	BRAND	MODEL	SIZE	GENDER	COLOR 1	COLOR 2
-	-					

VALUE STOLEN	DATE STOLEN	JURISDICTION STOLEN

VALUE RECOVERED	DATE RECOVERED	JURISDICTION RECOVERED	RECOVER LOCATION	RECOVERED BY NAME

EVIDENCE	CUSTODY STATUS	WET	DATE/TIME TAKEN	RECOVERED BY PIN	SOURCE	DESCRIPTION
Y	SUBMITTED	N				

LOCATION OF DNA SAMPLE

COMMENT

COPY
DO NOT DUPLICATE

This copy consisting of 2 page(s) is furnished for the exclusive use of: DA and is not to be duplicated, copied or furnished to any other person or agency except as provided by law, without the permission of the Arroyo Grande Police Department.

Michael T. Martinez, Chief of Police

By: _____ Date: 6-1-22

MEDIA LIST REPORT



TITLE		MEDIA DATE	ENTERED DATE
CONTEXT	INCIDENT	06/01/2022 10:46	06/01/2022 10:46
COMMENTS			

STATUS

CASE STATUS	CASE STATUS DATE	DISPOSITION	DISPOSITION DATE	APPROVAL	APPROVAL DATE
OPEN	05/31/2022	DA	05/27/2022	P0115 - SMITH, JEFFERY	06/01/2022

NARRATIVE

SUMMARY OF EVIDENCE:

PRINTS: - None
PHOTOS: - None
INJURIES: - None

NARRATIVE:

On May 31st, 2022, I was notified that Chris Fitzpatrick of the Central Coast Cyber Forensics Lab had finished his forensic examination of Susan Flores' cell phone and was ready to turn over two thumb drives that contained the extraction of the digital contents of the cell phone. I collected two thumb drives from Fitzpatrick, one marked "UFED Reader" which contained the Cellebrite Reader file of the contents (Item 2) and one marked "Portable Case" (Item #3). Fitzpatrick completed a report to document his cell phone extraction, see SLOSO Case #2205-04331-0 for additional details.

Fitzpatrick advised that he was instructed by the SLO County District Attorney's Office not to return the device at this time and I was unable to manually examine the contents of the device.

I used Cellebrite to view the digital contents of Flores' cell phone during the time period and noted that GPS location data indicated that Flores' cell phone was in the area of 101 Ridgeview Way on May 27th, 2022 at approximately 1821 hours (UTC-7). The GPS coordinates indicated on the Cellbebrite program were (35.133912, -120.571967), which were confirmed using Google Earth. The following coordinates of (35.134905, -120.571179) at 1822 hours and (35.134841, -120.571167) at 1823 hours tend to show that the cell phone was traveling in a southerly direction on Ridgeview Way towards Tally Ho. This information corroborates Holman's statement that Flores was driving southbound on Ridgeview Way past the backside of her residence at approximately 1830 hours. I attached a screen shot of the above mentioned information.

I did not locate any further information of evidentiary value in the digital extraction such as images or videos that Flores may have taken with her cell phone. I collected the two thumb drives (Items 2 and 3) as evidence and booked them at the Arroyo Grande Police Station.

FOLLOW-UP REQUIRED:

None.

CASE DISPOSITION:

Closed. Please forward this supplemental report to the San Luis Obispo District Attorney's Office.

EXHIBIT 2

Search Warrant No. _____

COUNTY OF SAN LUIS OBISPO - STATE OF CALIFORNIA
AFFIDAVIT AND SEARCH WARRANT

AFFIDAVIT

I, Stephen Doherty, declare under penalty of perjury under the laws of the State of California that the information expressed by me in the Search Warrant, Statement of Experience, and Affidavit in the attached and incorporated statement of Probable Cause and any other attachments thereto are true and correct. Wherefore, affiant requests that this Search Warrant be issued.

Stephen Doherty

_____
(Signature of Affiant)

SEALING ORDER REQUESTED YES (NO)
NIGHT SEARCH REQUESTED YES (NO)
ANTICIPATORY WARRANT REQUESTED YES (NO)

SEARCH WARRANT

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICE OFFICER, OR PEACE OFFICER IN THE COUNTY OF SAN LUIS OBISPO: proof by affidavit having been made before me by **Stephen Doherty** that there is probable cause to believe that the property and/or person described herein may be found at the locations set forth herein and is lawfully seizable pursuant to Penal Code §1524 as indicated below by "x"(s) in that it:

_____ was stolen or embezzled;

__X__ was used as the means of committing a felony;

_____ is possessed by a person with the intent to use it as a means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery;

__X__ tends to show that a felony has been committed or that a particular person has committed a felony;

_____ tends to show that sexual exploitation of a child in violation of Section 311.11, or depiction of sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring;

_____ there is a warrant for the person's arrest:

YOU ARE THEREFORE COMMANDED TO SEARCH:
See attached and incorporated Description page(s).

FOR THE FOLLOWING PROPERTY/PERSON:
See attached and incorporated Description page(s).

AND TO SEIZE IT IF FOUND and bring it forthwith before me, or this court, at the courthouse of this court. This Search Warrant and incorporated Affidavit was sworn to as true and subscribed before me on this 28th day of May, 2022 at 3:43 A.M. (P.M.) Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

Jacqueline N Duffy

_____
(Signature of Magistrate)
Judge of the Superior Court

SEALING ORDER APPROVED YES (NO)
NIGHT SEARCH APPROVED YES (NO)
ANTICIPATORY WARRANT REQUESTED YES (NO)

Date: _____, at _____ am/pm

Description Page, p. 1 of 2

YOU ARE THEREFORE COMMANDED TO SEARCH THE PREMISES LOCATED at:

1.) **The residence located at 529 E. Branch St, Arroyo Grande, California, the surrounding grounds, and any storage rooms or out buildings to which the tenant or tenants of 529 E. Branch St would have legal standing to access or utilize.**

529 E. Branch St is a single family residence in the city of Arroyo Grande, which is in the county of San Luis Obispo. E. Branch St is an east / west street and the nearest cross street is Garden St to the east.

529 E. Branch St is situated on the north side of E. Branch St. The residence is painted blue with wood siding, white trim around the windows and doors, and has a black shingle roof. There is a white picket fence surrounding the front yard, and the front door to the residence is painted red. The numbers "529" are present above the front doorway, in gold numbers.

AND, YOU ARE THEREFORE COMMANDED TO SEARCH THE FOLLOWING VEHICLE(s):

1) 1997 Mercury Mountaineer SUV, red in color with a California license plate of 3UDK553.

FOR THE FOLLOWING PROPERTY DESCRIBED as:

1) Any cellular phones or electronic devices contained within the residence at 529 E. Branch St, Arroyo Grande, California.

FOR THE FOLLOWING INFORMATION FROM THE ABOVE-LISTED PROPERTY ITEMS number 1:

Conduct forensic examinations of the cell phones or electronic devices listed above searching those items from the time period of **05/20/2022 to 05/27/2022** for the following information:

a. All messages, including the actual text made from or received from another number, also including all messages sent or received through social media applications on the items to be searched.

b. All phone numbers that were called or received from the items to be searched.

c. All contact lists and information pertaining to contacts stored on the items to be searched.

d. Information contained within the items to be searched that would indicate control or ownership of the devices.

e. All stored communications or files including documents, photographs, videos, voicemails and notes stored on the items to be searched.

f. All device location information stored on the device including addresses and GPS coordinates for the time period to be searched.

Description Page, 2 of 2

ORDER FOR UNRELATED CONTENT:

IT IS HEREBY ORDERED that the warrant shall require that any information obtained through the execution of the warrant that is unrelated to the objective of the warrant shall be sealed and not subject to further review, use, or disclosure without a court order pursuant to **Penal Code § 1546.1(d)(2).** A court shall issue such an order upon a finding that there is probable cause to believe that the information is relevant to an active investigation, or review, use, or disclosure is required by state or federal law. Any information seized that is unrelated to the objective of this warrant shall be destroyed as soon as feasible after the termination of the investigation and any related investigations or proceedings without further order.

OFFSITE EXAM AND AGENCY SCOPE OF AUTHORIZATION ORDER:

IT IS HEREBY ORDERED that a forensic technician, sworn or non-sworn, be granted authorization to examine, make duplicate images/copies of the above-mentioned electronic media and to determine if evidence of the offenses enumerated above are contained therein.

IT IS FURTHER ORDERED that the searching authority may use all lawful techniques to search electronic data for evidence or instrumentalities of crime, including, but not limited to, examining file directories and subdirectories for the lists of files they contain; "opening" or reading the pages of selected files to determine their contents; scanning for deleted or hidden data; searching for key word phrases.

IT IS FURTHER ORDERED that an off-site search is authorized due to the length of time and necessary equipment needed for forensic searches. This warrant authorizes the use of extraction methods that may be destructive to the device if no less destructive means are available to the forensic examiner in order to successfully perform the demanded extraction.

IT IS FURTHER ORDERED that in the case of items which, after forensic examination, are deemed in the judgement of the investigating officers not to contain data of evidentiary value, that officers are authorized to return said items without the need for further judicial process.

Statement of Expertise

My name is Stephen Doherty and I am the affiant for this warrant. I am currently a senior police officer employed by the Arroyo Grande Police Department (AGPD). I have been employed as a police officer with the Arroyo Grande Police Department since January 2011, and am currently assigned to investigations as a senior officer/detective. I attended and graduated from the Los Angeles Police Department Basic Law Enforcement Academy in June, 2009, and hold both an Advanced Certificate from California Peace Officers Standards and Training (POST).

I have received the following training: 918 hours at the Los Angeles Police Department Basic Law Enforcement Academy, including training on criminal investigations. I have attended a 24-hour Drug Abuse Recognition (DAR) 11550 H&S and 72-hour Drug Recognition Expert (DRE) and 36 hours of Field Certifications, which included the effects of drugs on the human body. I have also attended a 40-hour Field Training Officer Course and completed an 80-hour Institute of Criminal Investigation (ICI) Core investigation class which covered various topics including but not limited to: crime scene investigation, search warrant writing and electronic/financial crimes investigation.

During my past and present law enforcement assignments, I have had occasion to conduct and participate in numerous types of investigations, including offences against persons and property.

Statement of Probable Cause

On May 27, 2022 at approximately 1913 hours, Arroyo Grande Police Department (AGPD) patrol officers were dispatched to 409 Printz Rd in response to a call for service. AGPD Officer Donovan spoke with the reporting party, Jamielyn Holman, about the incident, and relayed the following to me: On today's date at approximately 1830 hours, Holman was driving to her residence at 409 Printz Rd with her two daughters and was pulling into her driveway. Holman's driveway wraps around to the rear of her residence and is clearly visible from Ridgeview Way, in the vicinity of White Court, in the city of Arroyo Grande. Holman's eight-year-old daughter, Margaret, exited Holman's vehicle and went to retrieve some ice cream from a fridge inside the garage. Holman noticed that Margaret had a terrified expression on her face and stated," Mommy, that lady is taking pictures of me." Holman then turned around while still in the driver seat and noticed a red SUV slowly drive on the street on Ridgeview Way behind them, with a female sitting in the driver seat. Holman said that she recognized the female and the SUV from numerous previous contacts as Susan Flores. Holman told Officer Donovan that Flores' SUV was stopped near the fire hydrant on Ridgeview Way, near the rear of her residence, which was approximately 90 feet away. As Holman exited her vehicle, Flores' SUV began driving southbound on Ridgeview Way at a fast rate of speed. Holman said that she never saw Flores holding the cell phone, but Officer Donovan later spoke with Margaret, who confirmed seeing the driver taking pictures with a cell phone. Margaret clarified that the female was holding the cell phone outside the driver window with both hands. Holman said that her and Flores made no attempts to speak with each other.

Holman stated that the entire incident lasted approximately one minute. Holman stated to Officer Donovan that her recent involvement in a court proceeding involving Flores caused her concern for her family's safety and that of her own.

Holman stated that she is currently a witness in the high profile court proceedings involving the murder of Kristin Smart. Susan Flores is the mother of the defendant in the court proceedings, Paul Flores. Holman previously testified as a witness in the preliminary hearing on September 20th, 2021, and noted that Susan Flores was present in the courtroom for the entirety of her testimony. Furthermore, Holman noted that the next phase of the trial is set to begin next week, making the timing of Susan Flores' behavior even more threatening according to Holman.

I noted that Susan Flores' ex-husband, Ruben Flores, does have a residence nearby on White Court, making it reasonable for Susan to be driving on Ridgeview Way. However, it would be unlikely for Flores to have cause to stop her vehicle directly behind Holman's residence as Holman and her family were entering the garage.

Officer Donovan attempted to obtain security camera footage from video cameras attached to Holman's residence, but found that the batteries that power the cameras are depleted and that no footage had been recorded.

I have prior knowledge that Susan Flores lives at 529 E. Branch Street and confirmed this information through AGPD police records. Officer Donovan went to 529 E. Branch St at approximately 2030 hours on this date and noted that there was a red SUV (Mercury Mountaineer), with an affixed rear California license plate of 3UDK553.

Request for Search Warrant

During my past and present law enforcement assignments, I have had occasion to conduct and participate in numerous investigations involving disorderly conduct and crimes against persons.

Through this investigation I formed the opinion that Susan Flores' behavior of taking pictures of Holman's residence, vehicle, and family caused Holman to feel threatened given the current circumstances of their involvement in the Kristin Smart trial. Holman is set to testify as a witness against Susan Flores' son, who will be on trial for murder. California Penal Code 136.1 (a)(2) states that any person who knowingly and maliciously attempts to prevent or dissuade any witness or victim from attending or giving testimony at any trial, proceeding, or inquiry authorized by law can be punished with a felony offense. I believe that Susan Flores maliciously attempted to dissuade Holman from testifying by taking pictures with her cell phone of Holman and her daughter while at their residence. It should also be noted that Susan Flores actions were committed during hours of daylight, meaning that she did not attempt to conceal her actions and most likely intended for Holman and her daughter to see her taking pictures.

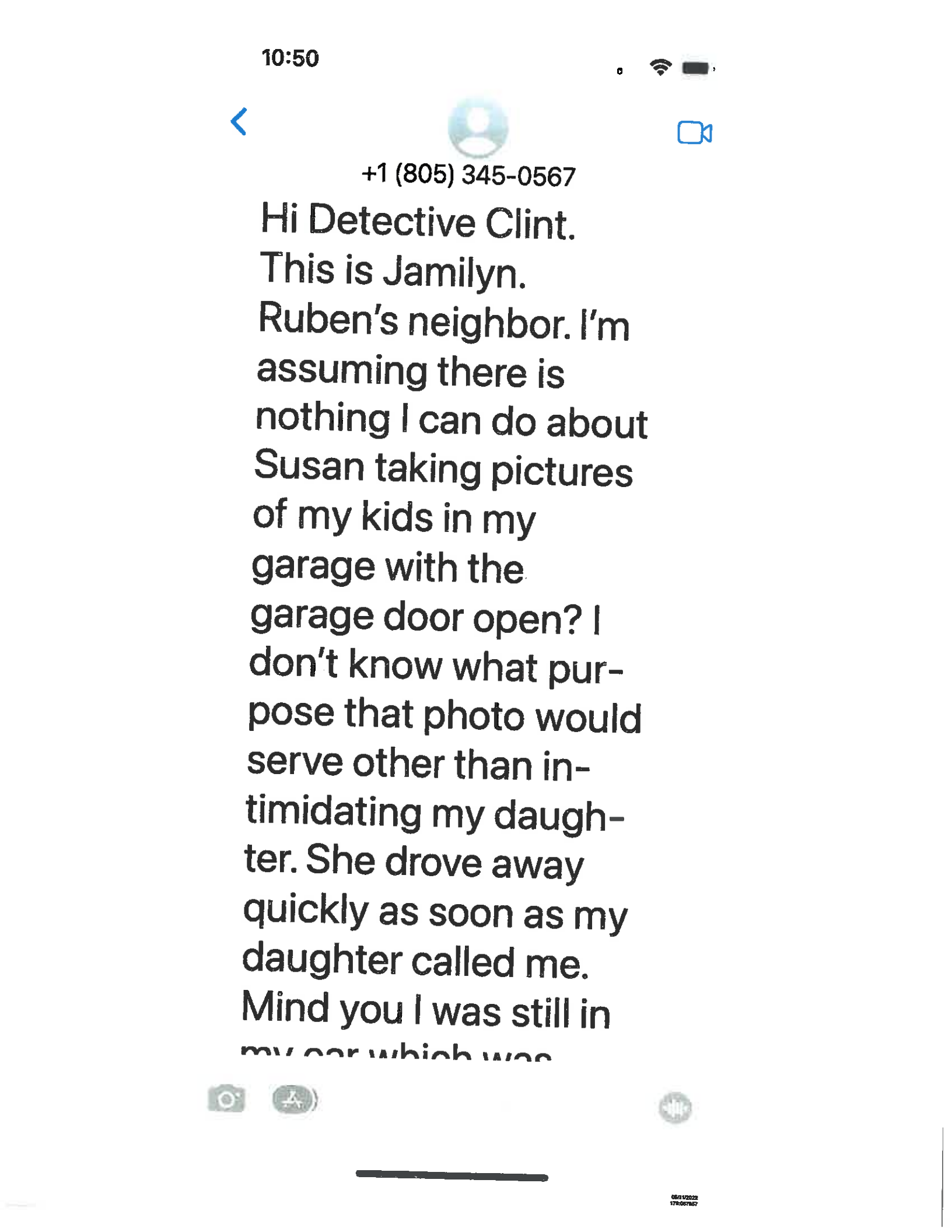
The digital contents of Susan Flores' cellular phone may contain evidence that she was taking images or video of Holman and her family. Additionally, the GPS information contained on Susan Flores' cell phone may prove that she was present and corroborate Holman's statement. Based on my training and experience, I know that most people carry cell phones, specifically smart phones. These smart phones are typically GPS enabled, track the whereabouts of a phone, are also used for communications, and are used for researching information from internet sources. I believe that the text message and call log information will tend to show Susan Flores' intent and motivation behind her reported behavior.

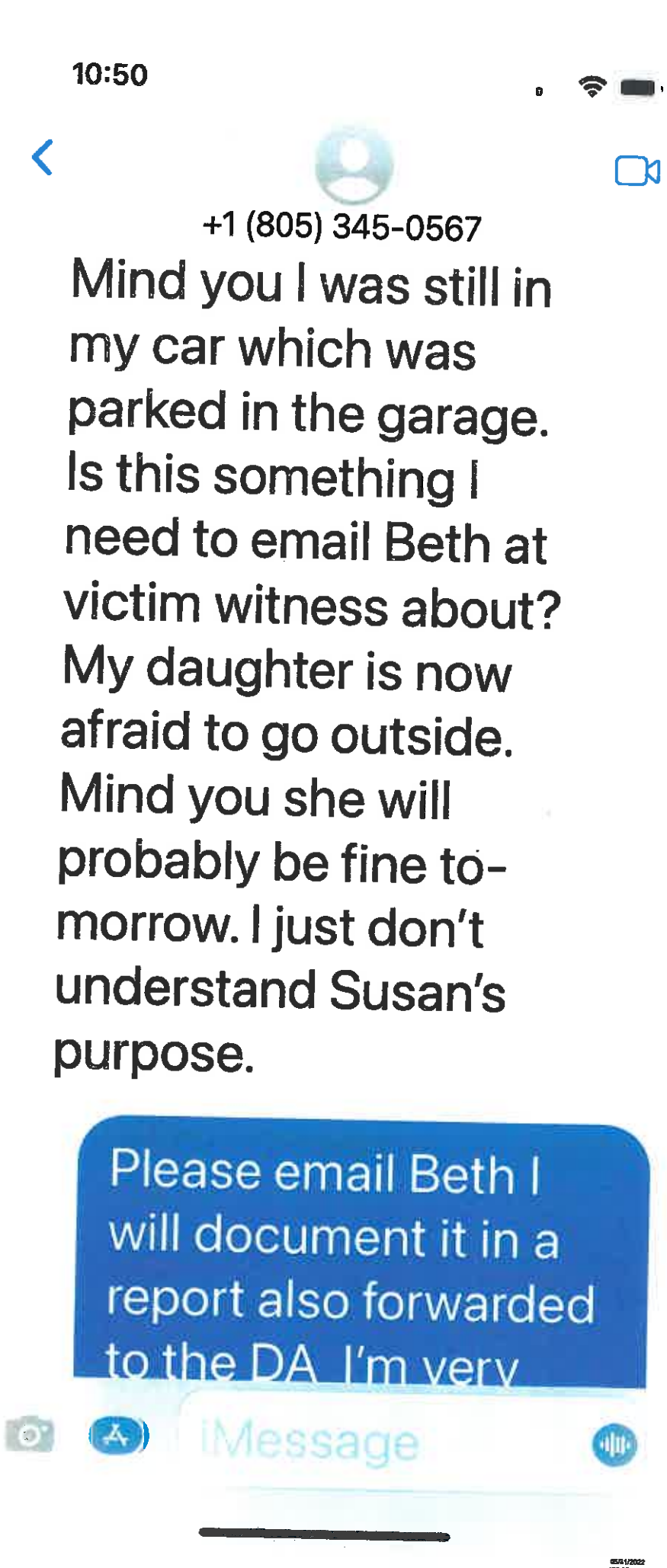
I believe it necessary to retrieve cell phone information from May 20th, 2022 until the time of the reported incident on May 27th, 2022. GPS data from this time period may show that Susan Flores was stopped near Holman's residence, and may show whether there were additional incidents when Flores was loitering near or "casing" Holman's residence without Holman noticing.

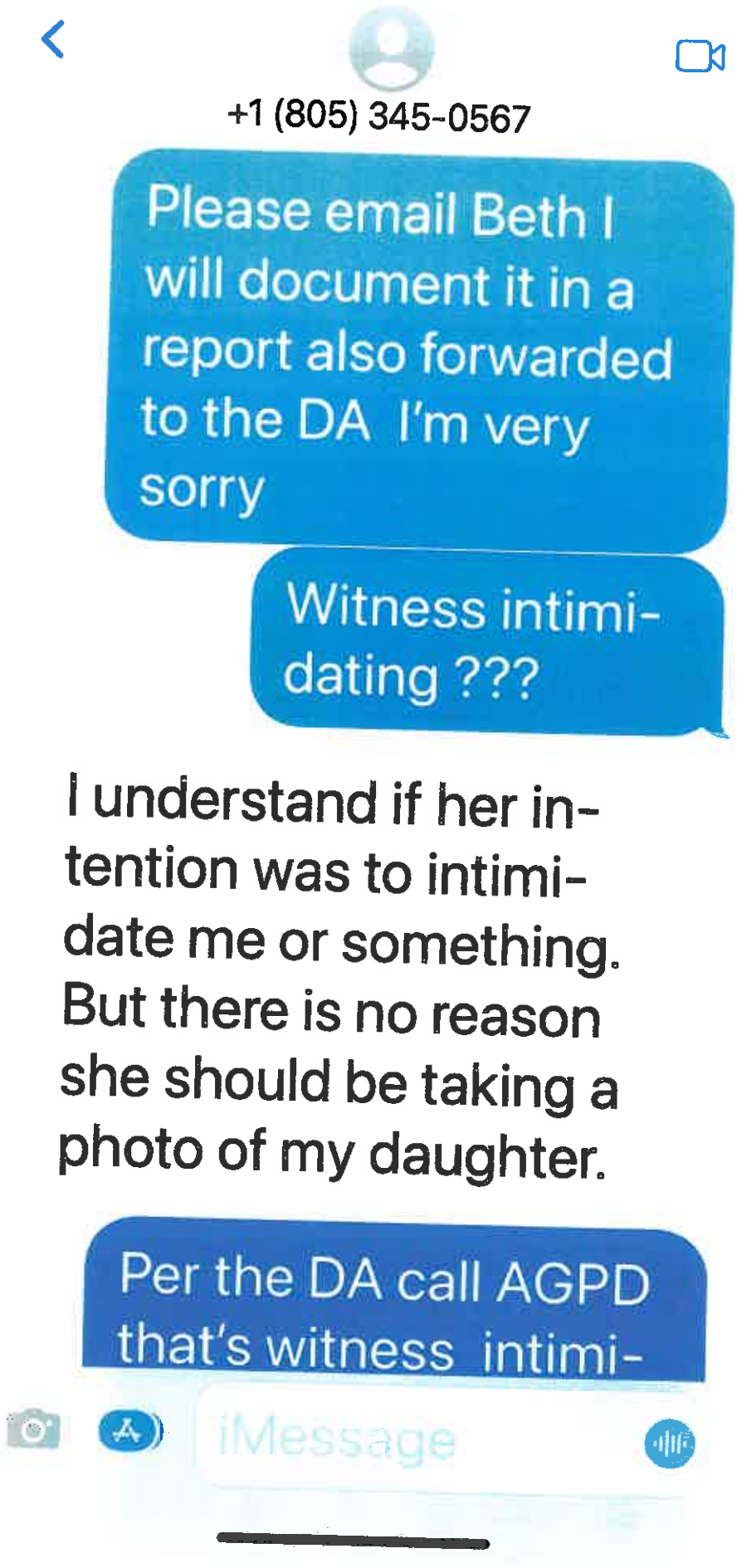
Based on all of the above information, I am requesting to search Susan Flores' residence at 529 E. Branch Street and her vehicle in order to seize items associated with the incident, specifically any cell phones that may be associated with her. I further request a search of Susan Flores's cell phones for digital evidence.

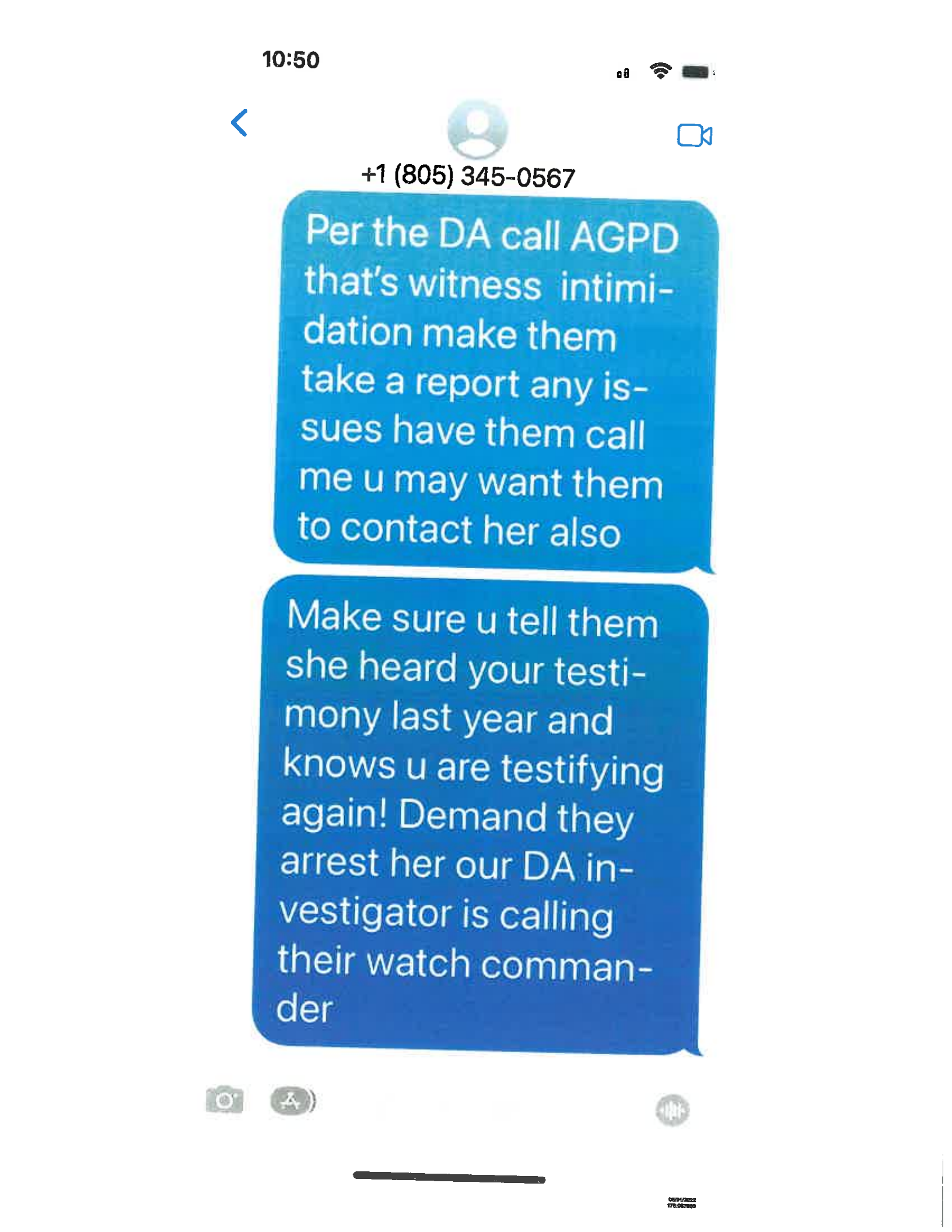
Therefore, I request that a Search Warrant be issued based upon the aforementioned facts, for the seizure of said property and records, or any part thereof, good cause being shown thereof, and the same be brought before this Magistrate or retained subject to the order of the court, or of any court in which the offense(s) in respect to which the property of things taken, triable, pursuant to Section 1536 of the Penal Code.

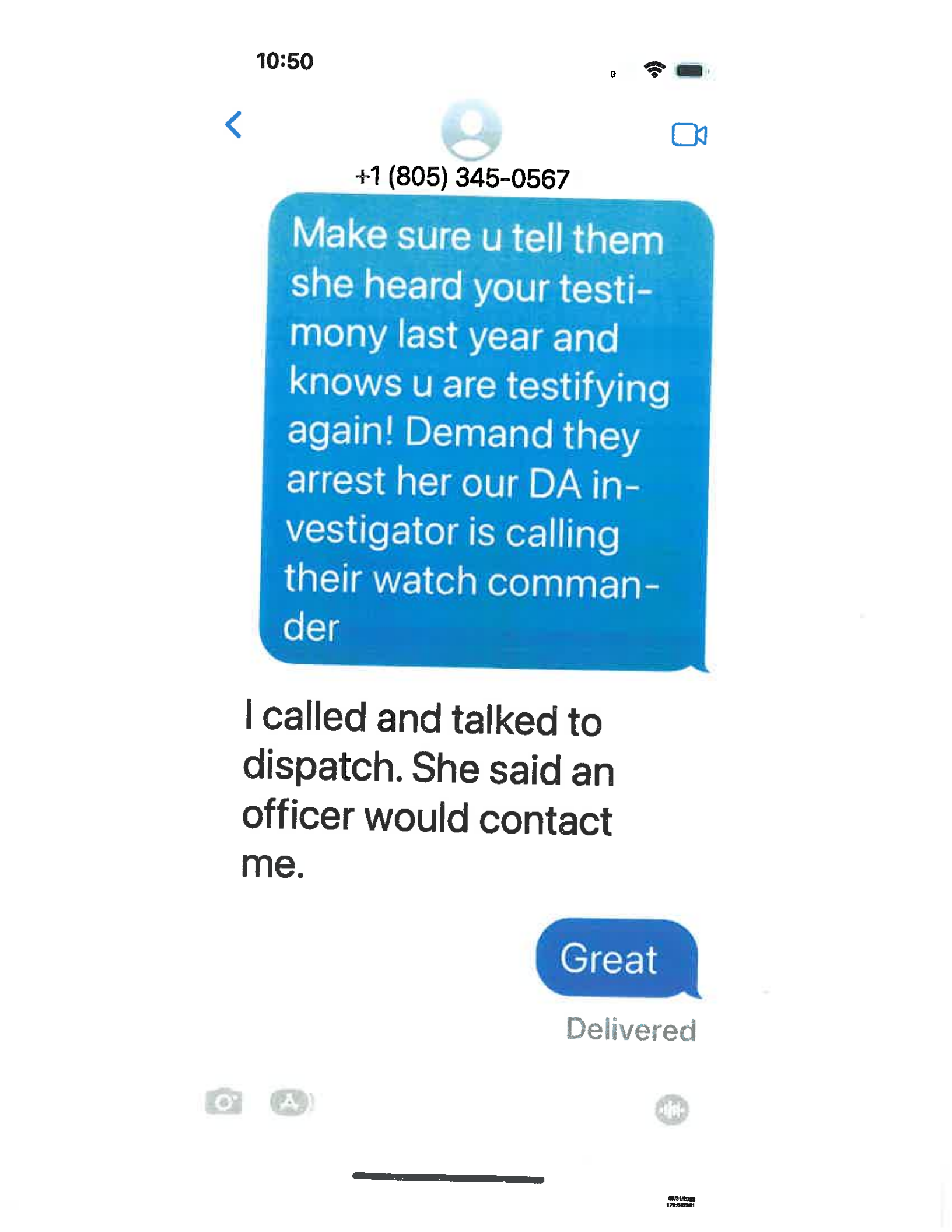
EXHIBIT 3


10:50
+1 (805) 345-0567
Hi Detective Clint.
This is Jamilyn.
Ruben's neighbor. I'm
assuming there is
nothing I can do about
Susan taking pictures
of my kids in my
garage with the
garage door open? I
don't know what pur-
pose that photo would
serve other than in-
timidating my daugh-
ter. She drove away
quickly as soon as my
daughter called me.
Mind you I was still in


10:50
+1 (805) 345-0567
Mind you I was still in my car which was parked in the garage. Is this something I need to email Beth at victim witness about? My daughter is now afraid to go outside. Mind you she will probably be fine to-morrow. I just don't understand Susan's purpose.
Please email Beth I will document it in a report also forwarded to the DA I'm very
iMessage


10:50
+1 (805) 345-0567
Please email Beth I will document it in a report also forwarded to the DA I'm very sorry
Witness intimi-dating ???
I understand if her in-tention was to intimi-date me or something. But there is no reason she should be taking a photo of my daughter.
Per the DA call AGPD that's witness intimi-
iMessage


10:50
+1 (805) 345-0567
Per the DA call AGPD that's witness intimi-dation make them take a report any is-sues have them call me u may want them to contact her also
Make sure u tell them she heard your testi-mony last year and knows u are testifying again! Demand they arrest her our DA in-vestigator is calling their watch comman-der


10:50
+1 (805) 345-0567
Make sure u tell them she heard your testi-mony last year and knows u are testifying again! Demand they arrest her our DA in-vestigator is calling their watch comman-der
I called and talked to dispatch. She said an officer would contact me.
Great
Delivered

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 6/3/2022 3:56 PM
By: Oscar Luna, Deputy

DAN DOW (State Bar No. 237986)
DISTRICT ATTORNEY
Office of the District Attorney
County Government Center
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorneys for the People of the State of California

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MONTEREY

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

PAUL RUBEN FLORES,

Defendant.

Case No. 22CR003712

DECLARATION OF ERIC J. DOBROTH IN SUPPORT OF OPPOSITION TO MOTION TO DISMISS FOR OUTRAGEOUS GOVERNMENT CONDUCT

I, ERIC J. DOBROTH, declare:

1. I am a licensed attorney in the State of California and serve as the Assistant District Attorney of the County of San Luis Obispo, in the State of California.

2. On May 27, 2022, at about 10:47 p.m., I received a telephone call from Deputy District Attorney Christopher Peuvrelle (DDA Peuvrelle).

3. DDA Peuvrelle informed me that Arroyo Grande Police Department was investigating an incident involving Susan Paula Flores that had occurred earlier that date.

4. Based on my familiarity with the instant case, I know Susan Paula Flores to be the mother of defendant Paul Ruben Flores and wife of co-defendant Ruben Flores. I know Ruben Flores to be the father of defendant Paul Ruben Flores.

5. DDA Peuvrelle informed me that an Arroyo Grande police officer had sought a search warrant for Susan Paula Flores's mobile phone based on the above

incident and that the reviewing bench officer suggested that the warrant and affidavit be reviewed by the District Attorney's Office.

6. DDA Peuvrelle and I agreed that we would each separately review the warrant and affidavit. We did so and at 11:08 p.m. we discussed certain requests made in the warrant and affidavit including whether night service was warranted, why the officers were seeking information for the entire month preceding the incident, and whether web searches may be pertinent to the investigation.

7. On May 27, 2022, at 11:24 p.m., DDA Peuvrelle initiated a three-way phone call between him, me and Arroyo Grande Sr. Officer Doherty. Sr. Officer Doherty stated that he would present the warrant and affidavit to me for review the following day.

8. On May, 28, 2022, at 2:25 p.m., Sr. Officer Doherty emailed me the warrant and affidavit. At 2:57 p.m., I emailed Sr. Officer Doherty my feedback.

I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration was executed on June 3, 2022, in San Luis Obispo County, California.

Eric J. Dobroth

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 6/3/2022 3:56 PM
By: Oscar Luna, Deputy

DAN DOW (State Bar No. 237986)
DISTRICT ATTORNEY
Office of the District Attorney
County Government Center
San Luis Obispo, CA 93408
Telephone: (805) 781-5800

Attorneys for the People of the State of California

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MONTEREY

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

PAUL RUBEN FLORES,

Defendant.

Case No. 22CR003712

DECLARATION OF CLINTON M. COLE IN SUPPORT OF OPPOSITION TO MOTION TO DISMISS FOR "OURTRAGEOUS GOVERNMENT CONDUCT"

I, CLINTON M. COLE, declare:

1. I am a sworn peace officer, assigned as a Detective for the San Luis Obispo County Sheriff's Office, in the State of California.

2. On May 27, 2022, at about 6:42 p.m., I received a text message from Jamilyn Holman.

3. The witness Holman, stated to me that the following had just occurred: Susan Flores was taking pictures of her children that were in her garage. Holman said her daughter is now afraid to go outside, and Holman felt Susan Flores was trying to intimidate her child. It should be noted Holman testified in the case of People v Flores and Flores, on 09/20/2021.

4. Based on my familiarity with the instant case, I know Susan Paula Flores to be the mother of defendant Paul Ruben Flores and wife of co-defendant Ruben Flores. I know Ruben Flores to be the father of defendant Paul Ruben Flores.

5. I advised witness Holman that if she perceived this conduct to be a crime that she should contact and report the information to the Arroyo Grande Police Department.

I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration was executed on June 3, 2022, in Monterey County, California.

Clinton M. Cole