

January 14, 2014
Regular Meeting

Item #9c

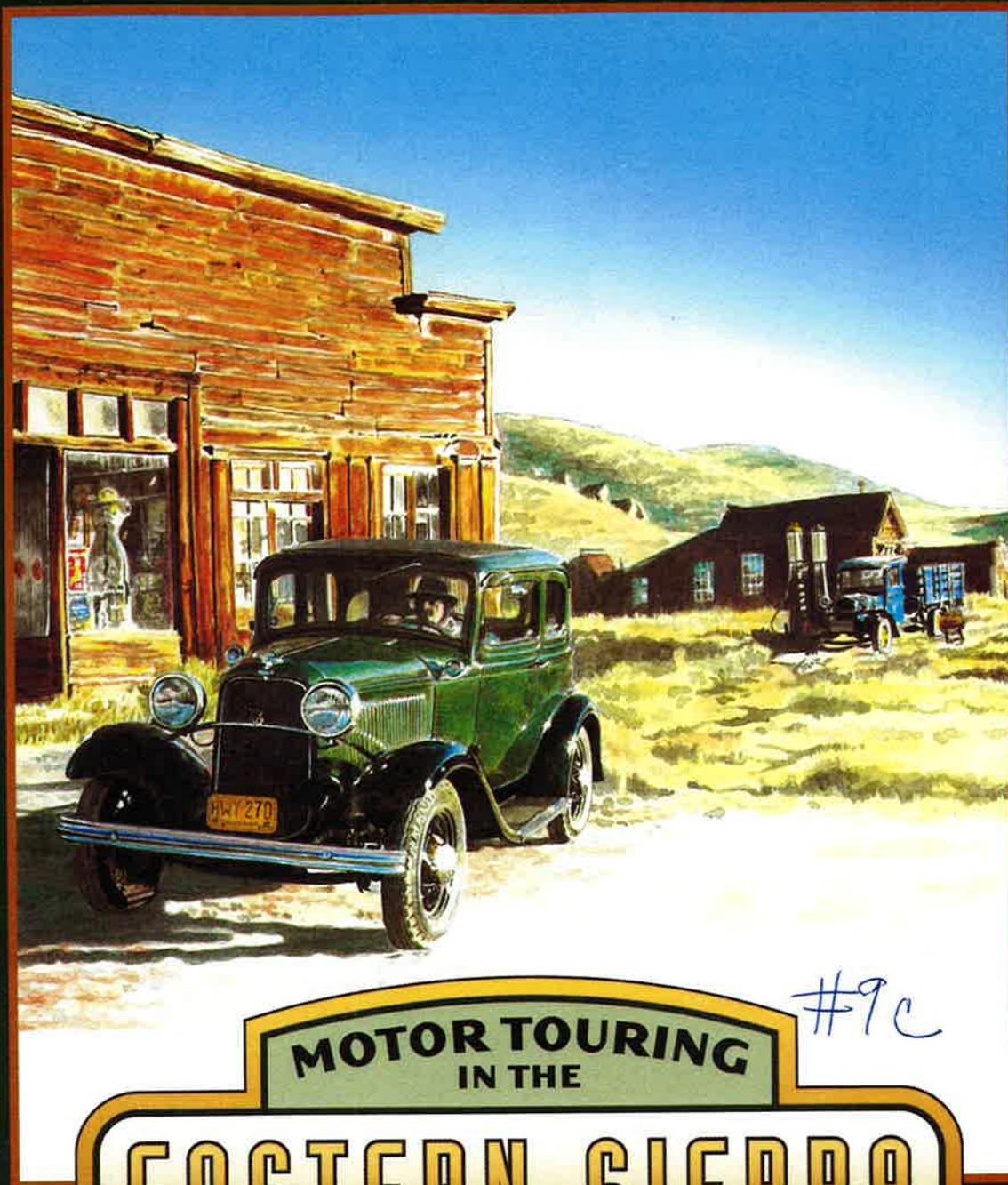
Economic Develop.

Resolution for
Recreational Trails

Program Grant

Applic.

Entire
booklet on
file in clerk's
office.



#9c

MOTOR TOURING
IN THE
EASTERN SIERRA

January 14, 2014
Regular Meeting
Afternoon
Public Comment

Letter from Attorney
Allen Berry on
behalf of Mr. Youssef
Boulaalam

Allen Berrey
Law Office of Douglas Buchanan
363 Academy Avenue
Bishop, California
93514

January 14, 2014

To the Honorable Members, Mono County Board of Supervisors:

As you know, on behalf of Mr. Youssef Boulaalam, this office has filed a claim for damages against Mono County. We would like you, and those you represent, to know the following in regard that claim:

First, it is not our desire to commence litigation against Mono County or any of its officers or employees. We sincerely hope that our office and the County can work together constructively outside the courtroom to bring restorative justice to Mr. Boulaalam for the events described in the claim.

Second, Mr. Buchanan and I do not take this step lightly. For my, part, having spent nearly all of my 30-year legal career working for counties in California – Merced, Inyo, and Mono - I know firsthand how easily unwarranted accusations of wrongdoing against public officers and employees can be made, and the great damage such accusations can cause.

But, in discharge of our ethical obligations as attorneys, we have reviewed the circumstances closely and firmly believe the contentions in the claim to be fully supported by the facts and the law.

Third, the claim is not and should not be seen as an attack on law enforcement in general. We know that peace officers perform one of the most difficult, stressful, and important jobs there is; on a daily, if not hourly basis, they put their lives on the line to protect us all, and for that we are grateful.

In that regard I want you to know that for several of my 10 years in the Merced County Counsel's office I advised and represented its sheriff and marshal in all sorts of legal matters. I many times defended their officers in federal court and state court against civil lawsuits; I defended the sheriff in habeas corpus matters arising out of his management of the jail; I represented peace officers in *Pitchess* motions brought by defense counsel; I advised the sheriff and the marshal about the law and their duties thereunder and, in doing so, helped them perform their very difficult jobs. In short, I am not a "plaintiff's attorney," and have spent most of my career defending the side of law enforcement.

Fourth, we most emphatically hope your Board, and Mono County as a whole, will view the claim not as the first salvo in an expensive, time-consuming, and ultimately counter-productive battle, but instead as an opportunity to have a dialogue with itself about what vision it wants to project to the rest of the world.

As the facts outlined in the claim so graphically suggest, it just does not seem to make much sense for the County to "market" or "brand" itself, for lack of better words, as a place for visitors to come and enjoy its wonders, only to have them harassed and mistreated by its Sheriff Department once they get there.

Finally, and most important to us, we want you to know that, at the proverbial "end of the day," we really had no choice but to file the claim. The events shown on the "dash-cam" DVD and described in the claim are simply so troubling that we felt an ethical and moral obligation to Mr. Boulaalam, to your Board, to the residents of Mono County and the public in general, and to the Constitution itself – and all those who have fought and died defending it – to bring those events to your attention.

Thank you for your consideration of these thoughts.

With utmost respect and in all sincerity,

Allen Berrey