Douglas S. Gilliland, Esq. (SBN 157427)

The Gilliland Firm

402 West Broadway, Suite 1760

San Diego, California 92101

Telephone: (619) 878-1580

Facsimile: (619) 878-6630

doug@thegillilandfirm.com

Attorneys for Plaintiff BRANDELL SAMPSON

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SACRAMENTO

|  |  |
| --- | --- |
| BRANDELL SAMPSON, an individual,  Plaintiff,  v.  SACRAMENTO COUNTY, a municipal corporation, Deputy S. WRIGHT, an individual, and Sgt. TIM MULLIN, an individual, and DOES 3 through 15, inclusive,  Defendants. | Case No.: 34-2021-00297987  **NOTICE OF MOTION AND MOTION FOR AN ORDER REQUIRING PRODUCTION OF PEACE OFFICER RECORDS**  **(*Pitchess v. Superior Court*)**  Date: November 15, 2022  Time: 1:30 p.m.  Judge: Hon. Richard K. Sueyoshi  Dept.: 53 |
|  |  |

TO DEFENDANTS SACRAMENTO COUNTY, SERGEANT TIM MULLIN, DEPUTY S. WRIGHT, AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 15, 2022, at 1:30 p.m., or as soon thereafter as the matter may be heard in Department 53of the Sacramento Superior Court, located at 813 6th Street, Sacramento, California 95814, Plaintiff BRANDELL SAMPSON will move this Court for an order, and hereby does move this Court for an order, requiring disclosure of peace officer records, including those of Defendants SERGEANT TIM MULLIN and DEPUTY S. WRIGHT, pursuant to California Penal Code sections 832.5 and 832.7, and Evidence Code sections 1043 and 1045.

PLEASE TAKE FURTHER NOTICE that the peace officer records sought pursuant to this motion are as follows:

1. All investigative reports regarding the March 10, 2020, incident including photographic, audio, and video evidence, notes, transcripts and recordings of interviews.
2. All materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against Mr. SAMPSON in connection with the March 10, 2020, incident.
3. All records showing whether defendants MULLIN’s or WRIGHT’s actions were consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
4. All documents setting forth findings or recommended findings, and copies of disciplinary records relating to the March 10, 2020, incident, including any documents showing the intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance processes, and all documents indicating final imposition of discipline or other documentation reflecting implementation of corrective action.
5. All records relating to the March 10, 2020, incident if defendant WRIGHT resigned before the law enforcement agency or oversight agency concluded its investigation into the alleged incident.
6. The Internal Affairs report and all supporting documents of any type, including, notes, recordings, photographs, and witness interviews regarding the March 10, 2020, incident with BRANDELL SAMPSON.
7. All records involving prior complaints against Defendants MULLIN and WRIGHT alleging unnecessary or excessive acts of violence and any complaints of racial prejudice or racially insensitive words or conduct.
8. All records relating to any complaint(s) alleging unreasonable or excessive force against Defendants MULLIN and/or WRIGHT in the five years preceding the March 10, 2020, incident, including any investigation(s) into such complaint(s) and reports from that investigation, which resulted in a sustained finding.
9. All records relating to any incident(s) in which a sustained finding was made by any law enforcement agency or oversight agency involving dishonesty by Defendants MULLIN or WRIGHT directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by another peace officer or custodial officer, including but not limited to, false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.

This motion is based on this Notice of Motion and Motion and the accompanying Memorandum of Points and Authorities in Support of this Motion, Appendix or Records Sought, declaration of Douglas S. Gilliland, Esq., and any further oral and/or demonstrative evidence that this Court may consider at the time of oral argument. Tentative Rulings may be available online after 2:00 p.m. on the day before the hearing date at https://services.saccourt.ca.gov/PublicCase Access/Civil/Tentative RulingSearchByDepartment.

DATED: August \_\_\_, 2021 The Gilliland Firm

s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Douglas S. Gilliland, Esq., attorneys

for Plaintiff BRANDELL SAMPSON