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**FW: Request for Investigation by BPD // By: Victim | As to: Lance Goree // Re: 2/4/22 Battery Incident at YMCA (Berkeley) // BPD Report No. 22-5533**

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Michael Slater <m Slater@theslaterlawfirmapc.com>

Mon, Feb 6, 2023 at 3:28 PM

To: "jwilson@cityofberkeley.info" <jwilson@cityofberkeley.info>

Cc: "cmaldonado@cityofberkeley.info" <cmaldonado@cityofberkeley.info>, "kfutch@cityofberkeley.info"

<kfutch@cityofberkeley.info>, "police@cityofberkeley.info" <police@cityofberkeley.info>, Victim

<victim@gmail.com>

Sgt. Wilson,

I am writing to follow up on my 1/25/23 voicemail, my 1/25/23 email (below) and my 1/6/23 voicemail—to which I have received no response. It is my understanding that Mr. Victim called your office today and spoke with you. He informed me of your conversation, and of some the key takeaways, which I address in turn below:

1. **BPD's Investigation into 2/4/22 Incident (BPD Report No. 22-5522).** Mr. Victim reported to me that you told him BPD has already investigated the 2/4/22 incident (described in detail below) and that BPD is not going to conduct any additional investigation. Did BPD investigate the conduct of Lance Goree, Victim or both? What evidence did BPD consider? It is my impression that Mr. Victim was investigated for PC 242 misdemeanor assault—the charges of which were later dropped. However, it is also my impression that Lance Goree was never investigated, including for PC 242 felony assault or for any other criminal charge. Please advise.

And to be sure, we are not asking BPD to investigate Mr. Goree for PC 664 / 187 attempted murder. I merely indicated that our use-of-force expert in Mr. Victim's civil lawsuit said that Mr. Goree's conduct was so egregious that it might even support such a charge. To the extent there is any confusion, we are requesting that Mr. Goree be investigated for PC 242 felony or misdemeanor assault. If, based on the BPD's investigation, it determines that different criminal charges should be considered, then I assume BPD will do so at its discretion.

2. **BPD is not going to get involved in Mr. Victim's civil lawsuit.** Mr. Victim reported to me that you told him BPD was not going to get involved in his civil lawsuit. Nor are we making such a request. To the extent my email below was unclear, we wrote to request that BPD conduct a criminal investigation into the conduct of Lance Goree. We are not asking the BPD to get involved in any way whatsoever in Mr. Victim's civil suit.
3. **The District Attorney determined that Mr. Goree's conduct did not amount to attempted murder.** Mr. Victim reported to me that you told him the Alameda County District Attorney's Office determined Mr. Goree's conduct amounted to attempted murder. I am given pause at how that could be, given the District Attorney's Office has not investigated the criminality of Mr. Goree conduct on 2/4/22 – it has only investigated Mr. Victim, and determined not to pursue charges against him. Please advise.
4. **The agency responsible for investigating the criminality of Mr. Goree's conduct.** On 12/9/22, I emailed the Alameda County District Attorney's Office to request that it investigate the criminality of Mr. Goree's conduct during the 2/4/22 Incident. On 1/3/23, Erin Kingsbury of the District Attorney's Office provided the following response: "The District Attorney's Office does not conduct investigations as you have requested. Any statements or evidence concerning this incident should be provided directly to the Berkeley Police Department

for follow-up investigation, if appropriate. Upon completion of their investigation, they may present all information to the District Attorney's Office for review and charging consideration. Thank you." To the extent the BPD is not the appropriate agency to be directing our requests, please advise.

5. **Evidence of the 2/4/22 Incident.** Whether BPD has conducted an investigation into the potential criminality of Lance Goree's conduct on 2/4/22 or not, any such investigation without considering the video and audio evidence of the 2/4/22 incident would be incomplete. Here is the media evidence again: (1) [cell phone video footage](#) captured by Mr. Victim's girlfriend, Veronica; (2) [cell phone audio](#) also captured by Veronica (including the minutes preceding the video footage); and (3) [surveillance footage](#) from a YMCA camera inside the cafeteria. All of these links are secure DropBox links to my firm's DropBox account.

Please advise at your earliest opportunity.

Michael Slater



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