

DAVID P. MASTAGNI
JOHN R. HOLSTEDT
CRAIG E. JOHNSON
BRIAN A. DIXON
STEVEN W. WELTY
STUART C. WOO
DAVID E. MASTAGNI
RICHARD J. ROMANSKI
PHILLIP R.A. MASTAGNI
KATHLEEN N. MASTAGNI STORM
SEAN D. HOWELL
WILLIAM P. CREGER
SEAN D. CURRIN
DANIEL L. OSIER
KENNETH E. BACON
GRANT A. WINTER
JOSHUA A. OLANDER
HOWARD A. LIBERMAN
DOUGLAS T. GREEN
MELISSA M. THOM
JASON M. EWERT
JONATHAN D. CHAR
VANESSA A. MUNOS

Sacramento Office
1912 I Street
Sacramento, CA
95811
(916) 446-4692
Fax (916) 447-4614
Tax ID #94-2678460



Rancho Cucamonga Office
(909) 477-8920

Chico: (530) 895-3836
San Jose: (408) 292-4802
Los Angeles: (213) 640-3529

KIMBERLY A. VELAZQUEZ
JOSEPH A. HOFFMANN
MICHAEL P. R. REED
JOEL M. WEINSTEIN
TAYLOR DAVIES-MAHAFFEY
CARLY M. MORAN
BYRON G. DANELL
GARRETT PORTER
WILLIAM C. BAIRD
JEDEDIAH J. PARR
STEVEN N. WELCH
BRIAN GABRIEL
ROBERT C. ECKL
PATRICK M. BRADY
PRINCEPREET SINGH
SPENCER M. SHURE
DAMON T. APPELBLATT
BRANDON GOMEZ
EDUARDO RUIZ
LIAM CASEY
MYRIAH M. CATALANO
FRANK TERRERI
KRISTOPHER GRANT

All Correspondence to Sacramento Office
www.mastagni.com

June 1, 2023

Via Electronic Mail & U.S. Mail

Kelly M. Vernon, Chief Probation Officer
Tulare County Probation Department
3241 W. Noble Avenue
Visalia, California 93277
Email: kvernnon@tularecounty.ca.gov

**Re: Request for Pre-disciplinary Hearing and Request for Discovery
Probation Correctional Officer III Leandro Cano
(Our File No. RET/23-0234)**

Dear Chief Vernon:

I will be representing Probation Correctional Officer III Leandro Cano during all pre-disciplinary ("Skelly") hearings and any post-disciplinary proceedings. Please accept this letter as a written request for a pre-disciplinary hearing. Prior to any disciplinary proceeding my client is entitled to any relevant information related to the proposed discipline. Relevant information includes evidence that has any tendency within reason to prove or disprove any disputed fact that is of consequence to the determination of the action or the truthfulness of a witness's testimony or of a declarant's hearsay statement. (See Evidence Code §§ 210, 780, 1202).

Penal Code § 135.5 has expanded the nature of information that must be provided to a public safety officer during any disciplinary proceeding. It is now unlawful to conceal any relevant evidence during the disciplinary process. Concealment would include knowingly not providing any relevant evidence.

Some information that may not have been relevant to you in making the decision to discipline my client, a public safety officer, is relevant to disproving the allegations or mitigating the facts or the level of proposed discipline. Therefore, I have provided a list of information I consider relevant to defending my client from the allegations in the proposed notice of discipline.

Please keep in mind the information I am requesting is in addition to that information that must be provided pursuant to the case of *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194.

On behalf of my client, I request the following information:

1. A current copy of all policies and procedures alleged to have been violated by my client.
2. All written reports prepared as a result of the allegations against my client.
3. All investigator notes.
4. Any and all documents, reports or writings regarding requests for leave from my client including, but not limited to, request for leave forms submitted by my client and any written communications regarding denials or approvals of such requested leave.
5. A copy of Leandro Cano's personnel file.
6. A copy of all radio transmissions related to this investigation.
7. All written or recorded statements of any potential witness.
8. All prior criminal history of any known potential witness related to this investigation.
9. All information that could lead to or tends to mitigate the conclusions as set forth in the proposed notice of discipline. Information includes any information known to members of your agency whether in a written form or merely within the knowledge of members of your staff.
10. All statements or utterances by my client, oral or written, however, recorded or preserved, whether or not signed or acknowledged by my client.
11. The names and addresses of any witness who may have knowledge of the events that caused the discipline to be proposed.
12. The opportunity to examine all physical evidence obtained in the investigation against my client.

13. All reports of experts, made in conjunction with the case, involving the results of physical or mental examinations, scientific tests, experimental, or comparisons which relate to the allegations as set forth in the notice of proposed discipline.
14. All photographs, motion pictures, or videotapes taken during the investigation.
15. Any exculpatory or mitigating evidence in the possession of your agency.
16. Any information relevant to the credibility of any witness.
17. Any potential rebuttal evidence in the possession of your agency.
18. Any or all relevant evidence known or in the possession of your agency.
19. Any recommendations from supervisory or management staff that differ or contradict the current conclusions or recommendation of discipline.

Please treat this request as a continuing request until this matter has been settled or adjudicated. Once we receive the above requested documents, we will schedule the *Skelly* hearing. Please feel free to contact me by phone at (909) 552-1434 or by email at mreed@mastagni.com. Thank you for your anticipated cooperation.

Very truly yours,

MASTAGNI HOLSTEDT, A.P.C.

A handwritten signature in blue ink, appearing to read 'Michael P. Reed', with a stylized flourish at the end.

MICHAEL P. REED
Attorney at Law

MPR/klg

cc: Margarita Luna, Deputy Chief Probation Officer <mluna@tularecounty.ca.gov>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

In the Matter of Leandro Cano

I am employed in the County of San Bernardino, State of California. I am over the age of eighteen years and not a party to the above-entitled action. My business address is 9327 Fairway View Place, Suite 304, Rancho Cucamonga, California 91730. (Mailing address is 1912 I Street, Sacramento, California 95811-3151)

On June 1, 2023, I served the following document(s) described as **REQUEST FOR PRE-DISCIPLINARY HEARING AND REQUEST FOR DISCOVERY – PROBATION CORRECTIONAL OFFICER III LEANDRO CANO** on the interested parties in this action as follows:

Kelly M. Vernon, Chief Probation Officer
Tulare County Probation Department
3241 W. Noble Avenue
Visalia, California 93277
Email: kvernon@tularecounty.ca.gov

BY U.S. FIRST-CLASS MAIL: By placing a true copy thereof enclosed in a sealed envelope addressed to the persons set forth above and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in Rancho Cucamonga, California in a sealed envelope with postage fully prepaid.

BY ELECTRONIC SERVICE: I caused a .pdf version of the above-described documents to be sent to the persons at the electronic mail addresses set forth above.

I declare under penalty of perjury, under the laws of the state of California, that the foregoing is true and correct.

Executed on **June 1, 2023**, at Rancho Cucamonga, California.


KIMBERLEY L. GREEN